

Volume 29, Number 21
Pages 1631-1786
November 1, 2004

SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



MATT BLUNT

SECRETARY OF STATE

MISSOURI
REGISTER

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The *Missouri Register* is published semi-monthly by

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ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO
Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER
Office of the Secretary of State
Administrative Rules Division
PO Box 1767
Jefferson City, MO 65102

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 45—Division of Mental Retardation and Developmental Disabilities Chapter 2—Eligibility for Services

EMERGENCY RULE

9 CSR 45-2.015 Criteria for MRDD Comprehensive Waiver Slot Assignment

***PURPOSE:** This rule establishes statewide policy for requesting and approving participation in the Mental Retardation and Developmental Disabilities (MRDD) Comprehensive Home and Community-Based Waiver.*

***EMERGENCY STATEMENT:** The Comprehensive Medicaid Home and Community-Based Waiver program provides funds for services to eligible persons who have mental retardation or a developmental disability. Since funds appropriated to the division are not sufficient for all eligible persons to participate, the Division of Mental Retardation and Developmental Disabilities has developed criteria to direct the available resources to those persons most in need. The criteria give preferential consideration to persons in emergency circumstances. The department has been advised by legal counsel that these criteria must be promulgated through the rulemaking process and published in the *Code of State Regulations*. Currently the need for services continues to exceed available funding and, given that reality,*

*the department must apply some meaningful criteria to ensure that the available resources are directed to those persons having the most urgent needs. This has created an emergency situation necessitating an emergency rule to immediately promulgate the criteria. Without the emergency rule, the department lacks the authority to implement this policy that directs scarce funding to persons having the most serious needs. If the department uses the criteria without promulgating, there may be litigation challenging the use of the criteria. Therefore the department finds that the emergency rule is necessary to preserve a compelling governmental interest that requires an early effective date. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Department of Mental Health thinks that this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed October 1, 2004, effective October 15, 2004 and expires April 15, 2005.*

(1) Persons eligible for services through the Mental Retardation and Developmental Disabilities (MRDD) Comprehensive Medicaid Waiver and who are in an emergency situation and who require out-of-home residential services or for whom out-of-home residential care is imminent without in-home services, will receive priority consideration in accessing a comprehensive waiver slot.

(A) The requested services must be directly related to preventing the person from entering a Medicaid institution or enabling a person to leave a Medicaid institution.

(B) Division treatment professionals must determine:

1. A community living arrangement is appropriate for the person;
2. The person is eligible for the waiver; and
3. The person chooses waiver services over institutional services.

(C) The division's Utilization Review (UR) process including prioritization of service need by assignment of a point count must be applied to all persons prior to assignment of a slot.

(2) Emergency situation is described as follows:

(A) The person is in immediate need of life-sustaining services and there is no alternative to division funding or provision of those services. Life-sustaining service is defined as a service to meet a basic human need such as food and shelter, or protection from harm;

(B) The person must be provided immediate services in order to protect another person or persons from imminent physical harm;

(C) The person is residing in an Intermediate Care Facility for persons who have Mental Retardation (ICF/MR) and has been assessed as able to live in a less restrictive arrangement in the community, the person wants to live in the community, and appropriate services and supports can be arranged through the waiver;

(D) The person is the focus of a court order;

(E) The person under age eighteen (18) requires coordinated services through several agencies to avoid court action;

(F) The person has been receiving MRDD waiver services through the Missouri Children with Developmental Disabilities Waiver (also known as the Sarah Jian Lopez Waiver), has attained age eighteen (18), and requires MRDD waiver services that are only available through the MRDD Comprehensive Waiver. This does not include participants who attain age eighteen (18) whose primary need is access to state plan services; or

(G) The person's primary caregiver has a documented terminal or severe, long-term medical condition that prevents the caregiver from continuing care in the home without access to services through the MRDD Comprehensive Waiver. Waiver services will supplement the natural and community supports the person is eligible to access but will not provide twenty-four (24) hour, seven (7) days per week

support in the home. The person must be determined by the division to otherwise require more costly out-of-home services and have a UR score that substantiates the emergency need.

(3) The division director or designee may consider and may approve requests for slots when a Senate Bill 40 County Board will fund residential services for persons for whom UR has been applied and whose need meets emergency criteria.

(4) Processing Requests for Waiver Participation for Persons Who Do Not Meet the Criteria of Emergency Need.

(A) Anytime a person or the person's legal representative requests participation in the MRDD Comprehensive Medicaid Waiver, the regional center must determine if the person is eligible for the waiver, and if so, if the person wants to participate in the waiver. This includes completing the form entitled Evaluation of Need for an ICF/MR Level of Care and Eligibility for the MRDD Waiver, which is incorporated by reference as part of this rule, available to the public from the Department of Mental Health, Division of Mental Retardation and Developmental Disabilities, PO Box 687, Jefferson City, MO 65102.

(B) If the person is determined eligible, but the UR process including the prioritization of service need has not been done, the regional center must complete this process.

(C) If the person is eligible, but does not meet the emergency criteria need, the person's name will be placed on a waiver waiting list. Persons on the waiting list will be served according to the UR score that prioritizes need.

(D) The regional center must send written notification of the results of the eligibility determination to the person or the person's legal representative that includes appeal rights regardless of whether the person is determined eligible and placed on a waiting list or is determined ineligible for the waiver.

(5) Crisis Intervention Services. If a person requires crisis intervention services and the person is not in the comprehensive waiver, the person cannot be enrolled in the comprehensive waiver on a temporary basis. The process for accessing the comprehensive waiver must be the same for all persons.

(6) Waiver Participant Turnover.

(A) Funds freed up due to participants leaving the waiver (turnover) will first be used for persons served in the waiver who have increased needs and to serve persons who meet emergency need criteria. When the needs of these persons are met, funds that become available from turnover may be used to serve a person on the waiver waiting list with the next highest UR rated priority.

(B) Turnover in a two (2) or three (3) person Individualized Supported Living (ISL) arrangement may result in no funds that can be redirected if the same level of staffing must be maintained causing the cost for the remaining resident(s) to increase.

1. When an opening occurs in such a living arrangement, the regional center will determine if a person in the region, district, or state meeting emergency criteria chooses this living arrangement (including location); and if the current resident(s) also chooses the person being referred.

2. If the arrangement is not acceptable to persons meeting emergency criteria, the regional center will determine if the living arrangement is acceptable and appropriate for a person with the next highest UR rated priority on the waiting list.

3. If it is not, the regional center may request a waiver slot be used for a person on the waiting list in the region or district according to prioritized need.

(7) Once a person is assigned a comprehensive waiver slot, the slot follows the person within the state as long as the person remains eligible for the waiver. A regional center director can immediately resolve emergency situations for persons who have an assigned com-

prehensive waiver slot without obtaining approval from the division director or a designee.

(8) Terminating Waiver Participation.

(A) Persons shall be terminated from the waiver if the division cannot assure the person's health and safety living in the community, or if the person:

1. Is determined by the division to no longer meet ICF/MR level of care or to no longer require waiver services;
2. Voluntarily requests discharge from waiver services;
3. Becomes ineligible for Medicaid;
4. Moves from the state;
5. Refuses services or otherwise does not use waiver services;

or

6. Moves to a Medicaid institution.

(B) Each person who is terminated must be notified in writing they are being terminated, the reason for the termination action, effective date, and appeal rights.

AUTHORITY: section 630.050, RSMo 2000. Emergency rule filed Oct. 1, 2005, effective Oct. 15, 2004, expires April 15, 2005. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 35—Children's Division Chapter 80—Payment of Residential Facilities

EMERGENCY AMENDMENT

13 CSR 35-80.010 Residential Foster Care Maintenance Methodology. The division is deleting section (5).

PURPOSE: This amendment removes the termination date of this rule, in order to ensure federal funding and compliance with a court order issued by The United States District Court for the Western District (Central Division).

EMERGENCY STATEMENT: The division has determined that an emergency amendment is necessary to continue a methodology for foster care maintenance payments to residential facilities. In a hearing in front of the Joint Committee on Administrative Rules the division agreed to include a termination date in order for the parties involved to negotiate an agreement for payment. These negotiations are continuing. The division finds that an immediate danger to the health, safety and welfare to the citizens of Missouri exists inasmuch as this action is necessary in order to ensure federal funding for the affected providers. The division finds that this emergency amendment is necessary to preserve a compelling governmental interest in maintaining continued federal funding for the treatment of children. It is also necessary to continue a methodology in order to be in compliance with an order issued by The United States District Court for the Western District (Central Division). A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The division believes the emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed September 22, 2004, effective October 2, 2004, and expires March 30, 2005.

[(5) This rule shall terminate on October 15, 2004.]

AUTHORITY: section 207.020, RSMo 2000. Emergency rule filed Jan. 16, 2004, effective Jan. 26, 2004, expired July 23, 2004. Original rule filed Jan. 16, 2004, effective Aug. 30, 2004. Emergency amendment filed Sept. 22, 2004, effective Oct. 2, 2004,

expires March 30, 2005. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children's Division
Chapter 80—Payment of Residential Facilities**

EMERGENCY AMENDMENT

13 CSR 35-80.020 Residential Care Agency Cost Reporting System. The division is deleting section (7).

PURPOSE: This amendment removes the termination date of this rule, in order to ensure federal funding and compliance with a court order issued by The United States District Court for the Western District (Central Division).

EMERGENCY STATEMENT: The division has determined that an emergency amendment is necessary to continue a methodology for foster care maintenance payments to residential facilities. In a hearing in front of the Joint Committee on Administrative Rules the division agreed to include a termination date in order for the parties involved to negotiate an agreement for payment. These negotiations are continuing. The division finds that an immediate danger to the health, safety and welfare to the citizens of Missouri exists inasmuch as this action is necessary in order to ensure federal funding for the affected providers. The division finds that this emergency amendment is necessary to preserve a compelling governmental interest in maintaining continued federal funding for the treatment of children. It is also necessary to continue a methodology in order to be in compliance with an order issued by The United States District Court for the Western District (Central Division). A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The division believes the emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed September 22, 2004, effective October 2, 2004, and expires March 30, 2005.

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**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 19—Energy Assistance**

EMERGENCY AMENDMENT

13 CSR 40-19.020 Low Income Home Energy Assistance Program. The Family Support Division is amending the monthly income ranges contained in the LIHEAP Income Ranges Chart immediately following subsection (3)(D) of this rule and also amending subsection (4)(C) to remove military personnel not living in the home as being ineligible household members.

PURPOSE: This amendment adjusts the monthly income amounts on the LIHEAP Income Ranges Chart to reflect changes made in the federal poverty guidelines and to remove military personnel on active duty from being ineligible household members.

EMERGENCY STATEMENT: The division finds that there exists an immediate danger to the public welfare, which requires emergency action. This emergency amendment follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the *Missouri and United States Constitutions* and limits the scope of the emergency amendment to the circumstances creating the emergency and requiring emergency procedure. An emergency amendment is necessary because of the planned implementation of the program in October 2004. Postponing the date for acceptance of energy assistance applications will result in individuals having their utility service terminated. Termination of utility service can produce a health hazard, particularly to elderly and disabled individuals, since they are more susceptible to hypothermia.

The amendment is necessary to preserve a compelling governmental interest requiring an early effective date in that the rule informs the public regarding income guidelines for receipt of assistance. The eligibility criteria for energy assistance changes each year based on poverty guidelines announced by the federal government. It is essential for persons potentially eligible for low income home energy assistance to have timely information related to the income guidelines prior to the need for assistance. The procedure employed is fair to all interested parties concerned inasmuch as it equitably allocates energy assistance benefits based on household size and available resources. Emergency amendment filed September 24, 2004, effective October 4, 2004, expires April 1, 2005.

(3) Primary eligibility requirements for this program are as follows:

(D) Each household must have a monthly income no greater than the specific amounts based on household size as set forth in the Low Income Home Energy Assistance Program (LIHEAP) Income Ranges Chart. If the household size and composition of a LIHEAP applicant household can be matched against an active food stamp case reflecting the same household size and composition, monthly income for LIHEAP will be established by using the monthly income documented in the household's food stamp file.

LIHEAP INCOME RANGES CHART**Monthly Income Amounts**

Household Size	Income Range	Income Range	Income Range	Income Range	Income Range
1	\$0-187	\$188-375	\$376-563	\$564-751	\$752-935
2	\$0-253	\$254-507	\$508-761	\$762-1,015	\$1,016-1,263
3	\$0-318	\$319-637	\$638-956	\$957-1,275	\$1,276-1,590
4	\$0-383	\$384-767	\$768-1,151	\$1,152-1,535	\$1,536-1,917
5	\$0-449	\$450-899	\$900-1,349	\$1,350-1,799	\$1,800-2,244
6	\$0-514	\$515-1,029	\$1,030-1,544	\$1,545-2,059	\$2,060-2,571
7	\$0-580	\$581-1,161	\$1,162-1,742	\$1,743-2,323	\$2,324-2,898
8	\$0-645	\$646-1,291	\$1,292-1,937	\$1,938-2,583	\$2,584-3,225
9	\$0-710	\$711-1,421	\$1,422-2,132	\$2,133-2,843	\$2,844-3,552
10	\$0-776	\$777-1,553	\$1,554-2,330	\$2,331-3,107	\$3,108-3,879
11	\$0-841	\$842-1,683	\$1,684-2,525	\$2,526-3,367	\$3,368-4,206
12	\$0-907	\$908-1,815	\$1,816-2,723	\$2,724-3,631	\$3,632-4,533
13	\$0-972	\$973-1,945	\$1,946-2,918	\$2,919-3,891	\$3,892-4,860
14	\$0-1,038	\$1,039-2,077	\$2,078-3,116	\$3,117-4,155	\$4,156-5,188
15	\$0-1,103	\$1,104-2,207	\$2,208-3,311	\$3,312-4,415	\$4,416-5,515
16	\$0-1,168	\$1,169-2,337	\$2,338-3,506	\$3,507-4,675	\$4,676-5,842
17	\$0-1,234	\$1,235-2,469	\$2,470-3,704	\$3,705-4,939	\$4,940-6,169
18	\$0-1,299	\$1,300-2,599	\$2,600-3,899	\$3,900-5,199	\$5,200-6,496
19	\$0-1,365	\$1,366-2,731	\$2,732-4,097	\$4,098-5,463	\$5,464-6,823
20	\$0-1,430	\$1,431-2,861	\$2,862-4,292	\$4,293-5,723	\$5,724-7,150]

LIHEAP INCOME RANGES CHART**Monthly Income Amounts**

Household Size	Income Range	Income Range	Income Range	Income Range	Income Range
1	\$0-194	\$195-389	\$390-584	\$585-779	\$780-970
2	\$0-260	\$261-521	\$522-782	\$783-1,043	\$1,044-1,301
3	\$0-326	\$327-653	\$654-980	\$981-1,307	\$1,308-1,632
4	\$0-393	\$394-787	\$788-1,181	\$1,182-1,575	\$1,576-1,964
5	\$0-459	\$460-919	\$920-1,379	\$1,380-1,839	\$1,840-2,295
6	\$0-525	\$526-1,051	\$1,052-1,577	\$1,578-2,103	\$2,104-2,626
7	\$0-591	\$592-1,183	\$1,184-1,775	\$1,776-2,367	\$2,368-2,957
8	\$0-658	\$659-1,317	\$1,318-1,976	\$1,977-2,635	\$2,636-3,289
9	\$0-724	\$725-1,449	\$1,450-2,174	\$2,175-2,899	\$2,900-3,620
10	\$0-790	\$791-1,581	\$1,582-2,372	\$2,373-3,163	\$3,164-3,951
11	\$0-856	\$857-1,713	\$1,714-2,570	\$2,571-3,427	\$3,428-4,282
12	\$0-923	\$924-1,847	\$1,848-2,771	\$2,772-3,695	\$3,696-4,614
13	\$0-989	\$990-1,979	\$1,980-2,969	\$2,970-3,959	\$3,960-4,945
14	\$0-1,055	\$1,056-2,111	\$2,112-3,167	\$3,168-4,223	\$4,224-5,276
15	\$0-1,121	\$1,122-2,243	\$2,244-3,365	\$3,366-4,487	\$4,488-5,607
16	\$0-1,188	\$1,189-2,377	\$2,378-3,566	\$3,567-4,755	\$4,756-5,939
17	\$0-1,254	\$1,255-2,509	\$2,510-3,764	\$3,765-5,019	\$5,020-6,270
18	\$0-1,320	\$1,321-2,641	\$2,642-3,962	\$3,963-5,283	\$5,284-6,601
19	\$0-1,386	\$1,387-2,773	\$2,774-4,160	\$4,161-5,547	\$5,548-6,932
20	\$0-1,453	\$1,454-2,907	\$2,908-4,361	\$4,362-5,815	\$5,816-7,264

(4) Household members meeting any of the following conditions will not be eligible to receive LIHEAP benefits:

(C) Individuals not considered as household members. This will include roomers, boarders, live-in attendants and students [or military personnel] that are not actually residing in the home;

AUTHORITY: section 207.020, RSMo 2000. Emergency rule filed Nov. 26, 1980, effective Dec. 6, 1980, expired March 12, 1981. Original rule filed Nov. 26, 1980, effective March 12, 1981. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Sept. 24, 2004, effective Oct. 4, 2004, expires April 1, 2005. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions

EMERGENCY RESCISSION

15 CSR 40-3.120 Calculation and Revision of Property Tax Rates.

This rule applied to all political subdivisions and was designed to implement section 137.073, RSMo as it applied to revising property tax rates.

PURPOSE: The State Auditor's Office is proposing to rescind this rule and promulgate four (4) new rules to implement the procedures of Senate Bill No. 960, 92nd General Assembly—2004 amending section 137.073.6, RSMo as it applies to calculating and revising property tax rates and to comply with provisions of Article X, Section 22 of the *Missouri Constitution*. Emergency rules 15 CSR 40-3.130, 15 CSR 40-3.140, 15 CSR 40-3.150, and 15 CSR 40-3.160, will replace 15 CSR 40-3.120. These new rules set forth the forum to be used in making the calculation of property tax rates.

EMERGENCY STATEMENT: The Missouri State Auditor's Office finds a compelling governmental interest in rescinding this rule and establishing an early effective date for the emergency rules 15 CSR 40-3.130, 15 CSR 40-3.140, 15 CSR 40-3.150, and 15 CSR 40-3.160 in order to implement the statutory requirements of section 137.073, RSMo as enacted by Senate Bill No. 960, 92nd General Assembly—2004, amending section 137.073.6, RSMo with regard to procedures for calculating and revising property tax rates. The scope of the emergency rescission is limited to circumstances creating the emergency and complies with the protection extended in the *Missouri* and *United States Constitutions*. The State Auditor's Office believes this emergency rescission is fair to all interested parties affected by the circumstances. This emergency rescission preserves the compelling governmental interest of applying constitutional provisions requiring tax rates to yield the same gross revenue, adjusted for changes in the general price level, as collected in the prior year, as required in Article X, Section 22 of the *Missouri Constitution*, by the expeditious implementation of procedures for calculation of the tax rate levy. This emergency rescission filed September 24, 2004, effective October 4, 2004, expires April 1, 2005.

AUTHORITY: section 137.073.6, RSMo Supp. 1999. A version of this rule was previously filed as 15 CSR 40-3.100 and 15 CSR 40-3.110. Emergency rule filed July 14, 2000, effective July 24, 2000, expired Feb. 22, 2001. Original rule filed July 14, 2000, effective Feb. 28, 2001. Emergency rescission filed Sept. 24, 2004, effective Oct. 4, 2004, expires April 1, 2005.

Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions

EMERGENCY RULE

15 CSR 40-3.130 Calculation and Revision of Property Tax Rates by School Districts Calculating a Separate Property Tax Rate for Each Sub-Class of Property

PURPOSE: This rule applies to school districts that calculate a separate property tax rate for each sub-class of property and is designed to implement section 137.073, RSMo as it applies to calculating and revising property tax rates.

EMERGENCY STATEMENT: Senate Bill No. 960, 92nd General Assembly (2004) amended section 173.073.6, RSMo, to require that all forms for the calculation of property tax rates pursuant to this section shall be promulgated and not incorporated by reference. The new law became effective on August 28, 2004. The state auditor was required to promulgate rules within thirty (30) days of the effective date. The Missouri State Auditor's Office finds a compelling governmental interest in establishing an early effective date for this emergency rule in order to implement the statutory requirements of section 137.073, RSMo as enacted by Senate Bill No. 960, 92nd General Assembly—2004 amending section 137.073.6, RSMo with regard to procedures for calculating and revising property tax rates. This emergency rule sets forth the formulas to be used in calculating various property tax rates. The forms with instructions have been adopted and approved for use by the school districts or political subdivisions other than school districts to calculate property tax rates. These forms should be used to compute and substantiate the annual tax rate ceiling(s) pursuant to requirements of the *Missouri Constitution* Article X, Section 22 and section 137.073, RSMo. Under the old rule the formulas were incorporated by reference. The scope of this emergency rule is limited to the circumstances creating an emergency and requiring emergency action. The state auditor believes this emergency rule is fair to all interested persons and parties under the circumstances. This rule filed September 24, 2004, effective October 4, 2004, expires April 1, 2005.

(1) The following forms with instructions, included herein, have been adopted and approved for use by the school districts to calculate a separate property tax rate for each sub-class of property. These forms should be used to compute and substantiate the annual tax rate ceiling(s) pursuant to requirements of the *Missouri Constitution* Article X, Section 22 and section 137.073, RSMo:

- (A) Tax Rate Summary Page;
- (B) Form A Computation of Reassessment Growth and Rate for Compliance with Article X, Section 22, *Missouri Constitution* and section 137.073, RSMo;
- (C) Form B New Voter Approved Tax Rate or Tax Rate Increase;
- (D) Form C Debt Service Calculation for General Obligation Bonds Paid for with Property Taxes;
- (E) Form G Initial Calculation of Allowed Recoupment and Calculation of First Year of Recoupment Taken; and
- (F) Form H Calculation of Second and/or Third Year of Recoupment Taken.

QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW**TAX RATE SUMMARY PAGE - FOR SCHOOL DISTRICTS USING SB 960****(2004)**

(Name of School District)

(School District Code)

(Purpose of Levy)

COMPLETE THE HIGHLIGHTED CELLS TO USE THIS TAX RATE CALCULATOR. PRINT OFF SUMMARY PAGE, IF DESIRED.

	Real Estate		Personal
	Residential	Agricultural	Commercial
A. Prior Year Tax Rate Ceiling as defined in Chapter 137, RSMo. Revised if Prior Year Assessed Valuation Changed. (Prior Year Tax Rate Summary Page, Line F)			
B. Current Year Rate Computed Pursuant to Article X, Section 22 of the Missouri Constitution and Section 137.073, RSMo (Form A, Line 41)			
C1. Tax Rate Ceiling at the Time of the Election If Applicable			
C2. Amount of Rate Increase Authorized By Voters (Form B, Line 2 If Same Purpose) or Increase due to Amend. 2. Date of Board's Decision to use Amendment 2: _____			
D. Total [Line B (if no election), Line B + Line C2 (if using Amend 2), otherwise Line C1 + Line C2]			
E. Maximum Authorized Levy [Greater of Prior Year Line E or Current Year Line D (If there was an election), Otherwise Prior Year Line E]			
F. Current Year Tax Rate Ceiling (Lower of Line D or E) Maximum Legal Rate to Comply with Missouri Laws			
G. Less Required Prop C Tax Reduction If Applicable			
H. Less Voluntary Reduction By School District			
I. Plus Allowable Recoupment Rate If Applicable (Attach Form G or H)			
J. Tax Rate To Be Levied Rate to be Certified MUST be \leq Line F (Line F - Line G - Line H + Line I)			
AA. Rate To Be Levied For Debt Service If Applicable (Form C, Line 12)			
BB. Additional Special Purposed Rate Authorized By Voters After The Prior Year Tax Rates Were Set, If Applicable (Form B, Line 2 if a Different Purpose)			

CERTIFICATION

I, the undersigned, _____ (Office) _____ (School District)
levying a rate in _____ (County or Counties) do hereby certify that the data set forth above and on
the accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Lines G - BB, sign this form, and return to either**the County Clerk(s) for final certification OR
the State Auditor's Office for a math check.**

(Date) _____ (Signature) _____

(Printed Name) _____

(Telephone) _____

Proposed rate to be entered on tax books by County Clerk**Based on Certification from the School District:**

Lines: J

Section 137.073.7 RSMo, states that no tax rate shall be
extended on the tax rolls by the county clerk unless the
political subdivision has complied with the foregoing
provisions of this section.

AA

BB

(Date) _____ (County Clerk's Signature) _____

(County) _____

Please submit only 1 copy directly to the State Auditor's Office - if you fax it, DON'T mail it & vice versa.

QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
COMPUTATION OF REASSESSMENT GROWTH AND RATE FOR COMPLIANCE WITH ARTICLE X, SECTION 22 AND SECTION 137.073 RSMo
FORM A - FOR SCHOOL DISTRICTS USING SB 960 (2004)

	(Name of School District)	(School District Code)				(Purpose of Levy)	(Prior Method) Single Rate Calculation		
		(a)		(b)				(c)	(d)
		Residential	Agricultural	Real Estate	Commercial				
** - Mandatory Required Fields to Complete									
1. ** Current Year (2004) Assessed Valuation	Include the current locally and stated assessed valuation obtained from the County Clerk, Assessor, or comparable office finalized by the local board of equalization.								
2. ** Assessed Valuation of New Construction & Improvements	2(a) (b) & (c) - May be obtained from the County Clerk or Assessor. 2(d) = [Line 1(d) - 3(d) - 6(d) + 7(d) + 8(d)] If negative, enter zero								
3. ** Assessed Value of Newly Added Territory	Obtained from the County Clerk or Assessor								
4. ** Assessed Value of Real Property that Changed Subclass from the Prior Year (Added to a New Subclass in the Current Year)	Obtained from the County Clerk or Assessor								
5. Adjusted Current Year Assessed Valuation	(Line 1 - Line 2 - Line 3 - Line 4)								
6. ** Prior Year (2003) Assessed Valuation	Include the prior year locally and state assessed valuation obtained from the County Clerk, Assessor or comparable office finalized by the local board of equalization. Note: If this is different than the amount on the 2003 Form A, Line 1 then revise the 2003 tax rate form to re-calculate the 2003 tax rate ceiling. Enter the revised 2003 tax rate ceiling on the 2004 Tax Rate Summary Page, Line A.								
7. ** Assessed Value in Newly Separated Territory	Obtained from the County Clerk or Assessor								
8. ** Assessed Value of Property Locally Assessed in Prior Year, but State Assessed in Current Year	Obtained from the County Clerk or Assessor								
9. ** Assessed Value of Real Property that Changed Subclass from the Prior Year (Subtracted from the Previously Reported Subclass)	Obtained from the County Clerk or Assessor								
10. Adjusted Prior Year Assessed Valuation	(Line 6 - Line 7 - Line 8 - Line 9)						0		
HASH TOTAL (To be computed and used by the State)									

QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
COMPUTATION OF REASSESSMENT GROWTH AND RATE FOR COMPLIANCE WITH ARTICLE X, SECTION 22 AND SECTION 137.073 RSMo
FORM A - FOR SCHOOL DISTRICTS USING SB 960

(2004)

	(Name of School District)	(School District Code)				(Purpose of Levy)	(Prior Method) Single Rate Calculation
		(a) Residential	(b) Real Estate Agricultural	(c) Commercial	(d) Personal Property		
** - Mandatory Required Fields to Complete							
11. Percentage Increase in Adjusted Valuation of existing property in the current year over the prior year's assessed valuation [(Line 5 - Line 10) / Line 10] * 100							
12. Increase in Consumer Price Index Certified by the State Tax Commission							
13. Adjusted Prior Year Assessed Valuation (Line 10)							
14. Prior Year (2003) Tax Rate Ceiling Current Method = Tax Rate Summary Page, Line A Prior Method = The 2003 Form A, Line 23 (Prior Method) + the 2003 Tax Rate Summary Page, Line C							
15. Maximum Prior Year Adjusted Revenue Permitted from Locally Assessed Property from property that existed in both years [(Line 13 * Line 14) / 100]							
16. ** Maximum Prior Year Revenue from State Assessed Property (before reductions). Provided by the DESE & allocated to each subclass of real estate based on its % of assessed valuation.							
17. Total Adjusted Prior Year Revenue (Line 15 + Line 16)							
18. Permitted Reassessment Revenue Growth Enter the lower of the actual growth (Line 11), the CPI (Line 12), or 5%. If Line 11 is negative, enter 0%. Do not enter less than 0%, nor more than 5%.							
19. Additional Reassessment Revenue Permitted (Line 17 * Line 18)							
20. Revenue Permitted in the Current Year from property that existed in both years. (Line 17 + Line 19)							
21. ** Estimated Current Year Revenue from State Assessed Property (before reductions) The school district should use it's best estimate. (i.e. same amount as Line 16, Line 16 multiplied by the % increase in state assessed valuation per the State Tax Commission, or using the educated guess). If this amount declines substantially from the amount on Line 16, please provide written documentation to the State Auditor's Office to explain the reasons for such difference.							

QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
COMPUTATION OF REASSESSMENT GROWTH AND RATE FOR COMPLIANCE WITH ARTICLE X, SECTION 22 AND SECTION 137.073 RSMo
FORM A - FOR SCHOOL DISTRICTS USING SB 960 (2004)

	(Name of School District)	(School District Code)	(Purpose of Levy)			(Prior Method) Single Rate Calculation		
			(a) Residential	(b) Real Estate Agricultural	(c) Commercial		(d) Personal Property	Total
22.	Revenue Permitted from Existing Locally Assessed Property (Line 20 - Line 21)							
23.	Adjusted Current Year Assessed Valuation (Line 5)							
24.	Tax Rate Permitted Using Prior Method Tax Rate Permitted Prior to HB1150 & SB960 (Line 22 / Line 23 * 100)							
25.	Limit Personal Property to the Prior Year Ceiling [Lower of Line 24 (Personal Property) or Line 14 (Personal Property)]							
26.	Maximum Authorized Levy Current Method = The 2003 Tax Rate Summary Page, Line E Prior Method = The Greater of the 2003 Form A, Line 23 (Prior Method) + the 2003 Tax Rate Summary Page, Line C or the 2003 Tax Rate Summary Page, Line E							
27.	Limit to the Prior Year Maximum Authorized Levy [Lower of Line 24, Line 25 (for Personal Property only), or Line 26]							
	Calculate Revised Rate(s)							
28.	Tax Revenue [(Line 1 * Line 27) / 100]							
29.	Total Assessed Valuation [Line 1 (Total)]							
30.	Blended Rate [Line 28 (Total) / Line 29] * 100							
31.	Revenue Difference due to SB 960 [Line 28 (Total) - Line 28 (Prior Method)]							
32.	Rate(s) to be Revised Note: Revision Can Not Increase Personal Property Rate [If Line 31 < 0 & Line 27 < Line 27 (Prior Method), Then Line 27, Otherwise 0]							
33.	Current Year Adjusted Assessed Valuation of Rates being Revised (If Line 32 > 0, Then Line 5, Otherwise 0)							
34.	Relative Ratio of Current Year Adjusted Assessed Valuation of Rates being Revised [Line 33 / Line 33 (Total)]							
35.	Revision to Rate [If Line 32 > 0, Then (-Line 34 * Line 31 / Line 5) * 100, Otherwise 0]							
36.	Revised Rate (Line 27 + Line 35)							
37.	Revised Rate Rounded (If Line 36 < 1, Then Round to a 3-digit rate, Otherwise Round to a 4-digit rate)							

QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
COMPUTATION OF REASSESSMENT GROWTH AND RATE FOR COMPLIANCE WITH ARTICLE X, SECTION 22 AND SECTION 137.073 RSMo
FORM A - FOR SCHOOL DISTRICTS USING SB 960 (2004)

	(Name of School District)	(School District Code)				(Purpose of Levy)	(Prior Method) Single Rate Calculation
		(a) Residential	(b) Real Estate Agricultural	(c) Commercial	(d) Personal Property		
** - Mandatory Required Fields to Complete							
Calculate Final Blended Rate							
38.	Tax Revenue [(Line 1 * Line 37) / 100]						
39.	Total Assessed Valuation [Line 1 (Total)]						
40.	Final Blended Rate [(Line 38 (Total) / Line 39) * 100]						
41.	Tax Rate(s) Permitted Calculated Pursuant to Article X, Section 22 and Section 137.073 RSMo. (Line 37) Enter Rate(s) on the Tax Rate Summary Page, Line B						
FOR INFORMATIONAL PURPOSES ONLY							
Impact of SB 960							
42.	Revenue Calculated Using SB 960 [(Line 41 * Line 1) / 100]						
43.	Revenue Calculated Using the Prior Method [Line 27 (Prior Method) * Line 1] / 100]						
44.	Revenue Differences Using the Different Methods (Line 42 - Line 43)						
45.	Percent Change (Line 44 / Line 43)						
Blended Rate Calculation for DESE Purposes							
46.	Tax Rate Ceiling (Tax Rate Summary Page, Line F)						
47.	Assessed Valuation (Line 1)						
48.	Revenue from Tax Rate Ceiling [(Line 46 * Line 47) / 100]						
49.	Blended Tax Rate Ceiling [(Line 48 / Line 47) * 100]						
50.	Voluntary Reduction (Tax Rate Summary Page, Line H)						
51.	Unadjusted Levy (Line 46 - Line 50)						
52.	Assessed Valuation (Line 1)						
53.	Revenue from Unadjusted Levy [(Line 51 * Line 52) / 100]						
54.	Blended Tax Rate from the Unadjusted Levy [(Line 53 / Line 52) * 100]						
55.	Prop C Reduction (Tax Rate Summary Page, Line G)						
56.	Adjusted Levy (Line 51 - Line 55)						
57.	Assessed Valuation (Line 1)						
58.	Revenue from Adjusted Levy [(Line 56 * Line 57) / 100]						
59.	Blended Tax Rate from the Adjusted Levy [(Line 58 / Line 57) * 100]						

**QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
NEW VOTER APPROVED TAX RATE OR TAX RATE INCREASE
FORM B - FOR SCHOOL DISTRICTS USING SB 960**

(2004)

(Name of School District)

(School District Code)

(Purpose of Levy)

**** - Mandatory Required Fields to Complete** (if your district had a recent voter approved tax rate or tax rate increase).

Since the prior year tax rate computation, some school districts may have held elections where voters approved an increase in an existing tax or approved a new tax. Form B is designed to document the election.

1. ****Date of Election**

2. ****Amount of Increase Approved by Voters** (An "increase of" or "increase by")

Enter this rate on the Tax Rate Summary Page, Line C
(if this is an increase to an existing rate).

or

Enter this rate on the Tax Rate Summary Page, Line BB
(if this is a new rate or replaces a rate that has expired).

****Stated Rate Approved by Voters** (An "increase to")

Enter this rate on the Tax Rate Summary Page, Line D and put the difference between
the Tax Rate Summary Page, Line C1 & the Tax Rate Summary Page, Line D on the
Tax Rate Summary Page, Line C2 (if this is an increase to an existing rate).

OR

or

Enter this rate on the Tax Rate Summary Page, Line BB
(if this is a new rate or replaces a rate that has expired).

3. ****Ballot Language**

Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

4. ****Election Results**

(Yes)

(No)

5. ****Expiration Date**

Enter the last year the levy will be in effect, if applicable.

6. ****Proposition C Waiver**

- Indicate whether the district obtained a new waiver to eliminate
part or all of the required Proposition C Reduction.

(Full or Partial)

- Attach a sample ballot or state the proposition posed exactly
as it appeared on the ballot.

- Also indicate the election results of the Proposition C Waiver.

(Yes)

(No)

HASH TOTAL (To be computed and used by the State)

QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
DEBT SERVICE CALCULATION FOR GENERAL OBLIGATION BONDS
PAID FOR WITH PROPERTY TAXES
FORM C - FOR SCHOOL DISTRICTS USING SB 960

(2004)

(Name of School District)	(School District Code)	Debt Service (Purpose of Levy)
<p>The tax rate for Debt Service will be considered valid if, after making the payment(s) for which the tax was levied, the bonds remain outstanding, and the debt fund reserves do not exceed the following year's payments. Since the property taxes are levied and collected on a calendar year basis (January - December), it is recommended that this levy be computed using calendar year data.</p>		
<p>1. ** Total current year assessed valuation obtained from the County Clerk or County Assessor. (Form A, Line 1 Total)</p>		
<p>2. ** Amount required to pay debt service requirements during the next calendar year (January 2005 - December 2005). Include the principal and interest payments due on outstanding general obligation bond issues plus anticipated fees of any transfer agent or paying agent.</p>		
<p>3. ** Estimated costs of collection (collector fees and commissions and Assessment Fund withholdings) and anticipated delinquencies. Experience in prior years is the best guide for estimating un-collectible taxes. (Usually 2% to 10% of Line 2 above)</p>		
<p>4. ** Reasonable reserve up to one year's payment - It is important that the Debt Service Fund have sufficient reserves to prevent any default on the bonds. This will include payments for January 2006 - December 2006.</p>		
<p>5. Total required for debt service (Line 2 + Line 3 + Line 4)</p>		
<p>6. ** Anticipated balance at end of current calendar year. Show the anticipated bank balance at December 31, 2004 (account for any principal or interest due and estimated investment earning in the fund).</p>		
<p>7. Property tax revenue required for debt service (Line 5 - Line 6) Any current balance in the fund available to meet the Debt Service requirements in the next calendar year is deducted from the total revenues required for Debt Service purposes.</p>		
<p>8. ** Estimated Revenue from state assessed property for debt service for the next calendar year (January - December) - Must be estimated by the school district. In most instances, a good estimate would be the same amount as the state assessed revenues actually placed in the Debt Service in the prior year.</p>		
<p>9. Revenue required from locally assessed property for debt service (Line 7 - Line 8)</p>		
<p>10. Computation of debt service tax rate* [(Line 9 / Line 1) x 100] Round a fraction to the nearest one/one hundredth of a cent. See the rounding worksheet.</p>		
<p>11. ** Less Voluntary Reduction By Political Subdivision</p>		
<p>12. Actual rate to be levied for debt service purposes * (Line 10 - Line 11) Enter this rate on the Tax Rate Summary Page, Line AA</p>		

* The tax rate levied may be lower than the rate computed as long as adequate funds are available to service the debt requirements.

** Mandatory Required Fields to Complete (For General Obligation Bonds Paid for by Property Taxes).

HASH TOTAL (To be computed and used by the State)

**FORM G - RECOUPMENT FORM FOR COMPLIANCE WITH SECTION 137.073.3(2)(a) and (b)
FOR SCHOOL DISTRICTS IMPLEMENTING SB960**

(2004)

(Name of School District)

(School District Code)

(Purpose of Levy)

If assessments are reduced after tax rates are set and the reductions are due to decisions of the State Tax Commission or a judicial court or are due to clerical corrections, the existing tax rate ceiling may be revised to compensate for the changes described above. A political subdivision may document these changes by filing revised copies of each of the tax rate forms for each year that is affected. These changes should be clearly marked on the revised forms and a written explanation of the revised should be attached.

Before completion of this form, revisions are required to the prior year(s) tax rate forms to determine the revised assessed valuation and revised tax rate ceiling. Revised forms must be filed with the State Auditor before or at the time the recoupment form is filed. **See tab "2001 and 2002 Input Data" of the Recoupment Calculator for Schools Using SB960 on the State Auditor's web site to update the tax rate computation for years 2001 and 2002 and/or tab "2003 Input Data" of the Recoupment Calculator for School Using SB960 on the State Auditor's web site to update the tax rate computation for year 2003. Otherwise, manually revise the tax rate computation for years 2003, 2002, and/or 2001.**

After making revisions, a political subdivision may be permitted to levy an additional tax for up to three years to recoup the revenues it was entitled to receive for the preceding one to three year period affected by the revisions. The steps below determine if a recoupment is permissible and document to what extent the political subdivision desires to recoup in the current year.

Start with the third prior year (if applicable) and work forward to the present.

Please provide a written explanation in the space below (or by attaching an explanation) as to why the political subdivision would be eligible for the recoupment process.

CERTIFICATION

I, the undersigned hereby do certify that the data set forth below is true and accurate to the best of my knowledge and belief.

Name of School District

(Telephone)

(Signature)

District Number

(Date)

(Print Name)

Purpose of Levy

**FORM G - RECOUPMENT FORM FOR COMPLIANCE WITH SECTION 137.073.3(2)(a) and (b)
FOR SCHOOL DISTRICTS IMPLEMENTING SB960**

(2004)

(Name of School District)	(School District Code)	(Purpose of Levy)
YEAR 2002 and 2001 - COMPLETE LINES 1 THROUGH 9 FOR THE THIRD AND SECOND PRIOR YEAR (IF APPLICABLE)		
	2002	2001
1. Revised Locally Assessed Valuation		
After the changes to 2002 and/or 2001 tax rate(s) have been made. (Revised Form A, Line 1 Total)		
2. Revised Tax Rate Ceiling		
After the revision to the assessed valuation was made. (Revised Tax Rate Summary Page, Line F)		
3. Revised Permissible Locally Assessed Tax Revenue [(Line 1 x Line 2) / 100]		
4. Revised Locally Assessed Valuation (Form G, Line 1)		
5. Original Tax Rate Ceiling (Original Tax Rate Summary Page, Line F)		
6. Total Locally Assessed Tax Revenue Actually Produced [(Line 4 x Line 5) / 100]		
7. Revenue Loss Due to Local Assessment Reductions (Line 3 - Line 6)		
8. Estimated Lost Revenue from State Assessed Property Due to Revised Rates or State Assessment Reductions This amount <u>must be</u> estimated by the District on the "Input Data" tabs.		
9. Total Lost Revenue Allowed to be Recouped (Line 7 + Line 8)		
YEAR 2003 - COMPLETE LINES 10 THROUGH 18 FOR THE PRIOR YEAR (IF APPLICABLE)		
	Real Estate	Personal Property
	Residential	Agricultural
	Commercial	
		Total
10. Revised Locally Assessed Valuation		
After the changes to 2003 tax rate(s) have been made. (Revised Form A, Line 1)		
11. Revised Tax Rate Ceiling		
After the revision to the assessed valuation was made. (Revised Tax Rate Summary Page, Line F)		
12. Revised Permissible Locally Assessed Tax Revenue [(Line 10 x Line 11) / by 100]		
13. Revised Locally Assessed Valuation (Form G, Line 10)		
14. Original Tax Rate Ceiling (Original Tax Rate Summary Page, Line F)		
15. Total Locally Assessed Tax Revenue Actually Produced [(Line 13 x Line 14) / 100]		
16. Revenue Loss Due to Local Assessment Reductions (Line 12 - Line 15)		
17. Estimated Lost Revenue from State Assessed Property Due to Revised Rates or State Assessment Reductions This amount <u>must be</u> estimated by the District on the "Input Data" tabs.		
18. Total Lost Revenue to be Recouped (Line 16 + Line 17)		

**FORM G - RECOUPMENT FORM FOR COMPLIANCE WITH SECTION 137.073.3(2)(a) and (b)
FOR SCHOOL DISTRICTS IMPLEMENTING SB960**

(2004)

(Name of School District)		(School District Code)		(Purpose of Levy)	
Determination of Recoupment Rate(s)					
	Residential	Real Estate Agricultural	Commercial	Personal Property	Total
19. Total Revenue Loss [Line 9 (Total) + Line 18 (Total)]					
20. Revenue Desired to Recoup in Current Year Revenue the District chooses to recoup in the current year. Enter the desired revenue to recoup in the highlighted cell. (Do Not Enter Less than Line 9 for the Year 2001 Nor More than Line 19)					
21. Estimated Amount of Current Collections from State Assessed Property for Recoupment of Loss This amount <u>must be</u> estimated by the District. Enter the estimate in the highlighted cell.					
22. Amount to be Recouped from Locally Assessed Property (Line 20 - Line 21)					
23. Total Current Year (2004) Locally Assessed Property Enter the assessed valuation in the highlighted cells. [Current (2004) Form A, Line 1]					
24. Relative Ratio of Current Year Assessed Valuation Ratio of the assessed valuation of each subclass to the total assessed valuation. (Line 23 / Line 24)					
25. Total Revenue Desired To Recoup Allocated To Each Subclass Based on the Relative Ratio of Assessed Valuation (Line 22 x Line 24)					
26. Rate(s) to be Levied to Partially or Fully Recoup the Loss [(Line 25 / Line 23) x 100] Enter these rates on the currently year (2004) Tax Rate Summary Page, Line I.					

Complete lines 27 and 28 IF Line 20 is less than Line 19

Form H will Need to be Completed to Continue this Recoupment in the 2nd or 3rd Year

27. Portion of revenue on Line 9 for year 2002 reserved for second year of recoupment
28. Portion of revenue on Line 19 for year 2003 reserved for second or third year of recoupment

**FORM H - RECOUPMENT FORM FOR COMPLIANCE WITH SECTION 137.073.3(2)(a) and (b)
FOR POLITICAL SCHOOL DISTRICTS IMPLEMENTING SB960**

(Name of School District)

(School District Code)

(Purpose of Levy)

Assessment reductions ordered after tax rates are set may result in a loss of revenue. In certain instances, a separate recoupment rate may be levied in a subsequent year to replace the revenue lost (see Form G). A political subdivision may choose not to fully recoup the revenue lost in one year. A three-year period following the year in which the loss occurred is allowed by statute for recouping the lost revenues. Form H is used to document the revenue remaining to be recouped and the allowable recoupment rate when there is a carry over.

COMPUTATION OF RECOUPMENT RATE

	Residential	Agricultural	Commercial	Personal	Total
1. Total Revenue Lost Due to Assessment Reductions (Form G, Line 9)					
2. Revenue Recouped in Prior Year(s)					
_____ Year					
a. Assessed Valuation (Locally Assessed Only)					
b. Recoupment Rate (Certified)					
c. Revenue Recouped [(Line 2a x Line 2b) / 100]					
d. Revenue Recouped from State Assessed Property					
_____ Year					
e. Assessed Valuation (Locally Assessed Only)					
f. Recoupment Rate (Certified)					
g. Revenue Recouped [(Line 2e x Line 2f) / 100]					
h. Revenue Recouped from State Assessed Property					
3. Total Revenue Recouped in Prior Year(s)					
[Line 2c (Total) + Line 2d (Total) + Line 2g (Total) + Line 2h (Total)]					
4. Revenue Remaining to be Recouped (Line 1 - Line 3)					
5. Revenue Desired to be Recouped in the Current Year					
The law provides for recoupment no further back than the third prior year. For example, if the recoupment rate is being computed for 2004, the revenue lost from 2001 must be recouped or waived.					
6. Revenue that will be recouped from State Assessed Property in the Current Year					
7. Revenue to be Recouped from Locally Assessed Property in the Current Year (Line 5 - Line 6)					
8. Total Current Year Assessed Valuation					
Obtained from the County Clerk or Assessor (Form A, Line 1)					
9. Relative Ratio of Current Year Assessed Valuation					
Ratio of the assessed valuation of each subclass to the total assessed valuation.					
[Line 8 / Line 8 (Total)]					
10. Total Revenue Desired to Recoup Allocated To Each Subclass					
Based on the Relative Ratio of Assessed Valuation (Line 7 x Line 9)					
11. Rate(s) to be Levied to Partially or Fully Recoup the Lost Revenue [(Line 10 / Line 8) x 100]					

CERTIFICATION

I, the undersigned hereby do certify that the data set forth below is true and accurate to the best of my knowledge and belief.

Name of Political Subdivision

(Telephone)

(Signature)

Political Subdivision No.

(Date)

(Print Name)

Purpose of Levy

AUTHORITY: section 137.073.6, RSMo Supp. 2003, as amended by Senate Bill 960, 92nd General Assembly—2004. A version of this rule was previously filed as 15 CSR 40-3.120. Emergency rule filed Sept. 24, 2004, effective Oct. 4, 2004, expires April 1, 2005.

Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions

EMERGENCY RULE

15 CSR 40-3.140 Calculation and Revision of Property Tax Rates by School Districts that Calculate a Single Property Tax Rate Applied to All Property

PURPOSE: This rule applies to school districts that calculate a single property tax rate applied to all property and is designed to implement section 137.073, RSMo as it applies to calculating and revising property tax rates.

EMERGENCY STATEMENT: Senate Bill No. 960, 92nd General Assembly (2004) amended section 173.073.6, RSMo, to require that all forms for the calculation of property tax rates pursuant to this section shall be promulgated and not incorporated by reference. The new law became effective on August 28, 2004. The state auditor was required to promulgate rules within thirty (30) days of the effective date. The Missouri State Auditor's Office finds a compelling governmental interest in establishing an early effective date for this emergency rule in order to implement the statutory requirements of section 137.073, RSMo as enacted by Senate Bill No. 960, 92nd General Assembly— 2004 amending section 137.073.6, RSMo with regard to procedures for calculating and revising property tax rates. This emergency rule sets forth the formulas to be used in calculating various property tax rates. The forms with instructions have been adopted and approved for use by the school districts or political subdivisions other than school districts to calculate property tax rates. These forms should be used to compute and substantiate the annual tax rate ceiling(s) pursuant to requirements of the *Missouri Constitution* Article X, Section 22 and section 137.073, RSMo. Under the old rule the formulas were incorporated by reference. The scope of this emergency rule is limited to the circumstances creating an emergency and requiring emergency action. The state auditor believes this emergency rule is fair to all interested persons and parties under the circumstances. This rule filed September 24, 2004, effective October 4, 2004, expires April 1, 2005.

(1) The following forms with instructions, included herein, have been adopted and approved for use by the school districts to calculate a single property tax rate for all property. These forms should be used to compute and substantiate the annual tax rate ceiling(s) pursuant to requirements of the *Missouri Constitution* Article X, Section 22 and section 137.073, RSMo:

- (A) Tax Rate Summary Page;
- (B) Form A Computation of Reassessment Growth and Rate for Compliance with Article X, Section 22, *Missouri Constitution* and section 137.073, RSMo;
- (C) Form B New Voter Approved Tax Rate or Tax Rate Increase;
- (D) Form C Debt Service Calculation for General Obligation Bonds Paid for with Property Taxes;
- (E) Form G Initial Calculation of Allowed Recoupment and Calculation of First Year of Recoupment Taken; and
- (F) Form H Calculation of Second and/or Third Year of Recoupment Taken.

**QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
TAX RATE SUMMARY PAGE - FOR SCHOOL DISTRICTS (2004)**

(Name of School District) _____ (School Code) _____ (Purpose of Levy) _____

The information to be shown on the Tax Rate Summary Page is either available from prior year forms, computed on the attached forms, or computed directly on the Tax Rate Summary Page.

- A. **Prior Year Tax Rate Ceiling** as defined in Chapter 137, RSMo. Revised if the Prior Year Assessed Valuation or Estimated State Assessed Revenue Changed. (Prior Year Tax Rate Summary Page, Line F) _____
- B. **Current Year Rate Computed** Pursuant To Article X, Section 22 of the Missouri Constitution and Section 137.073, RSMo. (Form A, Line 22) _____
- C1. **Tax Rate Ceiling at the Time of the Election** _____
- C2. **Amount of Rate Increase Authorized By Voters or Increase due to Amendment 2, if applicable.** (Form B, Line 2 if same purpose) Enter the Date the School Board Decided to Use Amendment 2. _____
- D. **Total** [Line B (if no election) otherwise Line C1 + Line C2] _____
- E. **Maximum Authorized Levy** [Greater of Prior Year Line E or Current Year Line D (if there was an election)] _____
- F. **Current Year Tax Rate Ceiling** (Lower of Line D or E) Maximum legal rate to comply with Missouri laws _____
- G. **Less Required Proposition C (Sales Tax) Reduction** (If Applicable) Circle the type of waiver your district has Full Partial No Please attach a copy of the DESE Prop C Reduction Worksheet there is no waiver. _____
- H. **Less Voluntary Reduction By School District** _____
- I. **Plus Allowable Recoupment Rate** If Applicable (Attach Form G or H) _____
- J. **Tax Rate To Be Levied** Rate to be Certified MUST be \leq Line F (Line F - Line G - Line H + Line I) _____
- AA. **Rate To Be Levied For Debt Service** If Applicable (Form C, Line 12) _____
- BB. **Additional Special Purpose Rate Authorized By Voters** After The Prior Year Tax Rates Were Set, If Applicable (Form B, Line 2 if a different purpose) _____

CERTIFICATION

I, the undersigned, _____ (Office) of _____ (School District) levying a rate in _____ County(ies) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Lines G – BB, sign this form, and return to either the County Clerk(s) for final certification or the State Auditor's Office for a math check.

(Print Name) _____ (Date) _____ (Signature) _____ (Telephone) _____

Proposed rate to be entered on tax books by County Clerk**Based on Certification from the School District:** Lines J _____ AA _____ BB _____

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

(County) _____ (County Clerk's Signature) _____ (Date) _____

Please submit only 1 copy directly to the State Auditor's Office – if you fax it, DON'T mail it and vice versa.

**QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
COMPUTATION OF REASSESSMENT GROWTH AND RATE FOR COMPLIANCE
WITH ARTICLE X, SECTION 22 AND SECTION 137.073 RSMo**

FORM A - FOR SCHOOL DISTRICTS

(2004)

.....
(Name of School District) (School Code) (Purpose of Levy)
.....

1. Current Year (2004) Assessed Valuation**

Include the current locally assessed valuation obtained from the County Clerk,
County Assessor, or comparable office finalized by the local board of equalization.

(a) _____ + (b) _____ = _____
(Real Estate) (Personal) (Total)

2. Assessed Value of New Construction and Improvements**

2(a) - May be obtained from the County Clerk or County Assessor.

2(b) - Increase in personal property. Use the formula listed under Line 2(b).

(a) _____ + (b) _____ = _____
(Real Estate) Line 1(b) - 3(b) - 5(b) + 6(b) + 7(b) (Total)

If Line 2b is Negative, Enter Zero

3. Assessed Value of Newly Added Territory**

May be obtained from the County Clerk or County Assessor.

(a) _____ + (b) _____ = _____
(Real Estate) (Personal) (Total)

4. Adjusted Current Year Assessed Valuation

[Line 1 (Total) - Lines 2 (Total) - Line 3 Total]

.....
5. Prior Year (2003) Assessed Valuation**

Include the prior year locally assessed valuation obtained from the County Clerk, County Assessor,
or comparable office finalized by the local board of equalization.

Note: If this is different than the amount on the 2003 Form A, Line 1,

then revise the 2003 tax rate form to re-calculate the 2003 tax rate ceiling.

Enter the revised 2003 tax rate ceiling on the 2004 Tax Rate Summary Page, Line A.

(a) _____ + (b) _____ = _____
(Real Estate) (Personal) (Total)

6. Assessed Value of Newly Separated Territory**

May be obtained from the County Clerk or County Assessor.

(a) _____ + (b) _____ = _____
(Real Estate) (Personal) (Total)

7. Assessed Value of Property Locally Assessed in Prior Year,
but State Assessed in Current Year**

May be obtained from the County Clerk or County Assessor.

(a) _____ + (b) _____ = _____
(Real Estate) (Personal) (Total)

8. Adjusted Prior Year Assessed Valuation

[Line 5 (Total) - Line 6 (Total) - Line 7 (Total)]

.....
**** - Mandatory Required Fields to Complete**

Continue to Form A, Page 2 of 3 for Computation of the Tax Rate.

HASH TOTAL (To be computed and used by the State)

**QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
COMPUTATION OF REASSESSMENT GROWTH AND RATE FOR COMPLIANCE
WITH ARTICLE X, SECTION 22 AND SECTION 137.073 RSMo**

FORM A - FOR SCHOOL DISTRICTS

(2004)

(Name of School District)	(School Code)	(Purpose of Levy)
<hr style="border-top: 1px dotted black;"/>		
9. Percentage Increase in Adjusted Valuation of existing property in the current year over the prior year's assessed valuation [(Line 4 - Line 8) / Line 8] x 100		_____ %
10. Increase in Consumer Price Index as certified by the State Tax Commission.		<u>2.3000%</u>
11. Adjusted Prior Year Assessed Valuation (Line 8) If Negative, Enter Zero		_____
12. Tax Rate Ceiling from Prior Year (2003) (Tax Rate Summary Page, Line A)		_____
13. Maximum Prior Year Adjusted Revenue from Locally Assessed Property that existed in both years. [(Line 11 x Line 12) / 100]		_____
14.** Maximum Prior Year Revenue from State Assessed Property (before reductions) Provided by the Department of Elementary and Secondary Education.		_____
15. Total Adjusted Prior Year Revenue (Line 13 + Line 14)		_____
16. Permitted Reassessment Revenue Growth <u>The percentage entered on Line 16 should be the lower of the actual growth (Line 9), the CPI (Line 10), or 5%.</u> A negative figure on Line 9 is treated as a zero for Line 16 purposes. Do not enter less than 0, nor more than 5%.		_____ %
17. Additional Reassessment Revenue Permitted (Line 15 x Line 16)		_____
18. Total Revenue Permitted in the Current Year from property that existed in both years (Line 15 + Line 17)		_____
19.** Estimated Current Year Revenue from State Assessed Property (before reductions) The school district should use its best estimate. (i.e. same amount as Line 14, current year's Line 14 multiplied by the percentage increase in state assessed valuation per the State Tax Commission, or using the best educated guess). If this amount declines substantially from the amount on Line 14, please provide written documentation to the State Auditor's Office to explain the reasons for the difference.		_____

.....
** - Mandatory Required Fields to Complete

Continue to Form A, Page 3 of 3 for Computation of the Tax Rate.

**QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
COMPUTATION OF REASSESSMENT GROWTH AND RATE FOR COMPLIANCE
WITH ARTICLE X, SECTION 22 AND SECTION 137.073 RSMo**

FORM A - FOR SCHOOL DISTRICTS (2004)

(Name of School District)	(School Code)	(Purpose of Levy)
20. Revenue Permitted from Existing Locally Assessed Property.* (Line 18 - Line 19)		
21. Adjusted Current Year Assessed Valuation (Line 4) If Negative, Enter Zero		
22. Maximum Tax Rate Permitted by Article X, Section 22 and Section 137.073 RSMo. [(Line 20 / Line 21) x 100] Round a fraction to the nearest one/one hundredth of a cent. See the rounding worksheet Enter this rate on Line B of the Tax Rate Summary Page		

- * To compute the total property tax revenues BILLED for the current year (including revenues from all new construction and improvements and annexed property), multiply Line 1 by the rate on Line 22 and divide by 100. The property tax revenues BILLED would be used in estimating budgeted revenues.

**QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
NEW VOTER APPROVED TAX RATE OR TAX RATE INCREASE
FORM B - FOR SCHOOL DISTRICTS (2004)**

(Name of School District) _____

(School Code) _____

(Purpose of Levy) _____

**** - Mandatory Required Fields to Complete** (if there was a new voter approved tax rate or tax rate increase).
.....

Since the prior year tax rate computation, some school districts may have held elections where voters approved an increase in an existing tax or approved a new tax. Form B is designed to document the election.

1. Date of election** _____**2.** Amount of Increase Approved by Voters** (An "Increase of" or "Increase by")

Enter this rate on the Tax Rate Summary Page, Line C
(if this is an increase to an existing rate).

or

Enter this rate on the Tax Rate Summary Page, Line BB
(if it is a new rate or replaces a rate that has expired).

State Rate Approved by Voters (An "Increase to")

Enter this rate on the Tax Rate Summary Page, Line D and put
the difference between the Tax Rate Summary Page, Line C1 & the
Tax Rate Summary Page, Line D on the Tax Rate Summary Page, Line C
(if this is an increase to an existing rate).

or

Enter this rate on the Tax Rate Summary Page, Line BB
(if it is a new rate or replaces a rate that has expired)

OR**3.** Ballot Language**

Attach a sample ballot or state proposition posed to the voters exactly as it appeared on the ballot.

4. Election results**

(Yes) (No)

5. Expiration Date**

Enter the last year the levy will be in effect, if applicable.

6. Proposition C Waiver**

-Indicate whether the district obtained a new waiver to
eliminate part or all of the required Proposition C Reduction.

(Full) (Partial)

-Attach a sample ballot or state the proposition posed
exactly as it appeared on the ballot.

-Also indicate the election results on the Proposition C Waiver.

(Yes) (No)

.....
HASH TOTAL (To be computed and used by the State)

**QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
DEBT SERVICE CALCULATION FOR GENERAL OBLIGATION BONDS
PAID FOR WITH PROPERTY TAXES**

FORM C - FOR SCHOOL DISTRICTS (2004)

<u>(Name of School District)</u>	<u>(School Code)</u>	<u>Debt Service</u> <u>(Purpose of Levy)</u>
----------------------------------	----------------------	---

.....
The tax rate for Debt Service will be considered valid if, after making the payment(s) for which the tax was levied, the bonds remain outstanding, and the debt fund reserves do not exceed the following year's payments. Since property taxes are levied and collected on a calendar year basis (January – December), it is recommended that this levy be computed using calendar year data.

- 1.** **Total current year assessed valuation** obtained from the County Clerk or County Assessor. (Form A, Line 1 Total) _____
- 2.** **Amount required to pay debt service requirements during the next calendar year (January 2005 – December 2005).** Include the principal and interest payments due on outstanding general obligation bond issues plus anticipated fees of any transfer agent or paying agent. _____
- 3.** **Estimated costs of collection (collector fees and commissions and Assessment Fund withholdings) and anticipated delinquencies.** Experience in prior years is the best guide for estimating un-collectible taxes. (Usually 2% to 10% of Line 2 above) _____
- 4.** **Reasonable reserve up to one year's payment** - It is important that the Debt Service Fund have sufficient reserves to prevent any default on the bonds. This will include payments for January 2006 – December 2006. _____
5. **Total required for debt service** (Line 2 + Line 3 + Line 4) _____
- 6.** **Anticipated balance at end of current calendar year.** Show the anticipated bank balance at December 31, 2004 (account for any principal or interest due and estimated investment earning in the fund). _____
7. **Property tax revenue required for debt service** (Line 5 - Line 6)
Any current balance in the fund available to meet the Debt Service requirements in the next calendar year is deducted from the total revenues required for Debt Service purposes. _____
- 8.** **Estimated revenue from state assessed property for debt service for the next calendar year (January – December)** - Must be estimated by the school district. In most instances a good estimate would be the same amount as the state assessed revenues actually placed in the Debt Service Fund in the prior year. _____
9. **Revenue required from locally assessed property for debt service** (Line 7 - Line 8) _____
10. **Computation of debt service tax rate** [(Line 9 / Line 1) x 100]
Round a fraction to the nearest one/one hundredth of a cent.
See the rounding worksheet. _____
11. **Less Voluntary Reduction By School District** _____
12. **Actual rate to be levied for debt service purposes *** (Line 10 – Line 11)
Enter this rate on the Tax Rate Summary Page, Line AA. _____

* - The tax rate levied may be lower than the rate computed as long as adequate funds are available to service the debt requirements.

** - **Mandatory Required Fields to Complete**

HASH TOTAL (To be computed and used by the State) _____

**FORM G - RECOUPMENT FORM FOR COMPLIANCE WITH SECTION 137.073.3(2)(a) and (b)
FOR SCHOOL DISTRICTS NOT IMPLEMENTING SB960****(2004)**_____
(Name of School District)_____
(School District Code)_____
(Purpose of Levy)

If assessments are reduced after tax rates are set and the reductions are due to decisions of the State Tax Commission or a judicial court or are due to clerical corrections, the existing tax rate ceiling may be revised to compensate for the changes described above. A political subdivision may document these changes by filing revised copies of each of the tax rate forms for each year that is affected. These changes should be clearly marked on the revised forms and a written explanation of the revised should be

Before completion of this form, revisions are required to the prior year(s) tax rate forms to determine the revised assessed valuation and revised tax rate ceiling. Revised forms must be filed with the State Auditor before or at the time the recoupment form is filed. **See tab "Input Data" of the Recoupment Calculator for Schools Not Using SB960 on the State Auditor's web site to update the tax rate computation for years 2003, 2002, and/or 2001. Otherwise, manually revise the tax rate computation for years 2003, 2002, and/or 2001.**

After making revisions, a political subdivision may be permitted to levy an additional tax for up to three years to recoup the revenues it was entitled to receive for the preceding one to three year period affected by the revisions. The steps below determine if a recoupment is permissible and document to what extent the political subdivision desires to recoup in the current year.

Start with the third prior year (if applicable) and work forward to the present.

Please provide a written explanation in the space below (or by attaching an explanation) as to why the political subdivision would be eligible for the recoupment process.

CERTIFICATION

I, the undersigned hereby do certify that the data set forth on the accompanying forms is true and accurate to the best of my knowledge and belief.

Name of School District_____
(Telephone)_____
(Signature)_____
District Number_____
(Date)_____
(Printed Name)_____
Purpose of Levy

**FORM G - RECOUPMENT FORM FOR COMPLIANCE WITH SECTION 137.073.3(2)(a) and (b)
FOR SCHOOL DISTRICTS NOT IMPLEMENTING SB960**

(2004)

(Name of School District)	(School District Code)		(Purpose of Levy)
	2003	2002	2001
1. Revised Locally Assessed Valuation After the changes to 2003, 2002 &/or 2001 tax rate(s) have been made. (Revised Form A, Line 1 Total)			
2. Revised Tax Rate Ceiling After the revision to the assessed valuation was made. (Revised Tax Rate Summary Page, Line F)			
3. Revised Permissible Locally Assessed Tax Revenue [(Line 1 x Line 2)/100]			
4. Revised Locally Assessed Valuation (Form G, Line 1 Total)			
5. Original Tax Rate Ceiling (Original Tax Rate Summary Page, Line F)			
6. Total Locally Assessed Tax Revenue Actually Produced [(Line 4 x Line 5)/100]			
7. Revenue Loss Due to Local Assessment Reduction (Line 3 - Line 6)			
8. Estimated Lost Revenue from State Assessed Property Due to Revised Rates or State Assessment Reductions This amount <u>must</u> be estimated by the District on the "Input Data" tab.			
9. Total Lost Revenue Allowed to be Recouped (Line 7 + Line 8)			
10. Total Revenue Loss (Total of Line 9)			
11. Revenue Desired to Recoup in Current Year Revenue the District chooses to recoup in the current year. Enter the desired revenue to recoup in the highlighted cell. (Do Not Enter Less than Line 9 for the Year 2001 Nor More than Line 10)			
12. Estimated Amount of Current Collections from State Assessed Property for Recoupment of Loss This amount <u>must</u> be estimated by the District. Enter the estimate in the highlighted cell.			
13. Amount to be Recouped from Locally Assessed Property (Line 11 - Line 12)			
14. Total Current Year (2004) Locally Assessed Valuation Enter the assessed valuation in the highlighted cell. [Current (2004) Form A, Line 1]			
15. Rate to be Levied to Partially or Fully Recoup the Loss (Line 13 / Line 14 x 100) Enter this rate on the current year (2004) Tax Rate Summary Page, Line I.			

Complete lines 16 and 17 IF Line 11 is less than Line 10

Form H will Need to be Completed to Continue this Recoupment in the 2nd & / or 3rd Year

- | | |
|--|-------|
| 16. Portion of revenue on Line 9 for year 2002 reserved for second year of recoupment | _____ |
| 17. Portion of revenue on Line 9 for year 2003 reserved for second or third year of recoupment | _____ |

FORM H COMPUTATION OF RECOUPMENT RATE FOR SCHOOL DISTRICTS (2004)

(Name of Political Subdivision) _____

(Political Subdivision Code) _____

(Purpose of Levy) _____

.....

Assessment reductions ordered after tax rates are set may result in a loss of revenue. In certain instances, a separate recoupment rate may be levied in a subsequent year to replace the revenue lost (See Form G). A school district may choose not to fully recoup the revenue lost in one year. A three-year period following the year in which the loss occurred is allowed by statute for recouping the lost revenues. Form H is used to document the revenue remaining to be recouped and the allowable recoupment rate when there is a carry over. **Before completion of this form, Form G must have been completed in a prior year.**

COMPUTATION OF RECOUPMENT RATE

1. **Total revenue lost due to assessment reductions**
from Form G, Line 9 (Form G was completed in a previous year) _____
2. **Revenue recouped in prior years**
 - a. $\frac{[(\text{Year}) \times (\text{Assessed Valuation} \times \text{Recoupment Rate})]}{100}$ _____
 - b. Plus: Revenues recouped from state assessed property _____
 - c. $\frac{[(\text{Year}) \times (\text{Assessed Valuation} \times \text{Recoupment Rate})]}{100}$ _____
 - d. Plus: Revenues recouped from state assessed property _____
3. **Total revenue recouped in prior years**
(Line 2a + Line 2b + Line 2c + Line 2d) _____
4. **Revenue remaining to be recouped**
(Line 1 - Line 3) _____
5. **Revenue desired to be recouped in the current year**
The law provides for recoupment no further back than the third prior year. For example, if the recoupment rate is being computed for 2004, the revenue lost from 2001 must be recouped or waived. _____
6. **Revenue that will be recouped from state assessed property in the current year** _____
7. **Revenue to be recouped from locally assessed property in the current year** (Line 5 - Line 6) _____
8. **Total current year assessed valuation**
Obtained from the County Assessor or County Clerk
(Form A, Line 1 Total) _____
9. **Recoupment rate for the current year**
[(Line 7 / Line 8) x 100] _____

CERTIFICATION

.....

I, the undersigned, _____ of _____
(Office) (School District)
located in _____ do hereby certify that the data set forth above is true and accurate
County(ies)
to the best of my knowledge and belief.

(Signature)_____
(Date)_____
(Print Name)_____
(Telephone)

AUTHORITY: section 137.073.6, RSMo Supp. 2003, as amended by Senate Bill 960, 92nd General Assembly—2004. A version of this rule was previously filed as 15 CSR 40-3.120. Emergency rule filed Sept. 24, 2004, effective Oct. 4, 2004, expires April 1, 2005.

Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions

EMERGENCY RULE

15 CSR 40-3.150 Calculation and Revision of Property Tax Rates by Political Subdivisions Other Than School Districts Calculating a Separate Property Tax Rate for Each Sub-Class of Property

PURPOSE: This rule applies to political subdivisions other than school districts that calculate a separate property tax rate for each sub-class of property and is designed to implement section 137.073, RSMo as it applies to calculating and revising property tax rates.

*EMERGENCY STATEMENT: Senate Bill No. 960, 92nd General Assembly (2004) amended section 173.073.6, RSMo, to require that all forms for the calculation of property tax rates pursuant to this section shall be promulgated and not incorporated by reference. The new law became effective on August 28, 2004. The state auditor was required to promulgate rules within thirty (30) days of the effective date. The Missouri State Auditor's Office finds a compelling governmental interest in establishing an early effect date for this emergency rule in order to implement the statutory requirements of section 137.073, RSMo as enacted by Senate Bill No. 960, 92nd General Assembly—2004 amending section 137.073.6, RSMo with regard to procedures for calculating and revising property tax rates. This emergency rule sets forth the formulas to be used in calculating various property tax rates. The forms with instructions have been adopted and approved for use by the school districts or political subdivisions other than school districts to calculate property tax rates. These forms should be used to compute and substantiate the annual tax rate ceiling(s) pursuant to requirements of the *Missouri Constitution* Article X, Section 22 and section 137.073, RSMo. Under the old rule the formulas were incorporated by reference. The scope of this emergency rule is limited to the circumstances creating an emergency and requiring emergency action. The state auditor believes this emergency rule is fair to all interested persons and parties under the circumstances. This rule filed September 24, 2004, effective October 4, 2004, expires April 1, 2005.*

(1) The following forms with instructions, included herein, have been adopted and approved for use by the political subdivisions other than school districts to calculate a separate property tax rate for each subclass of property. These forms should be used to compute and substantiate the annual tax rate ceiling(s) pursuant to requirements of the *Missouri Constitution* Article X, Section 22 and section 137.073, RSMo:

- (A) Tax Rate Summary Page;
- (B) Form A Computation of Reassessment Growth and Rate for Compliance with Article X, Section 22, *Missouri Constitution* and section 137.073, RSMo;
- (C) Form B New Voter Approved Tax Rate or Tax Rate Increase;
- (D) Form C Debt Service Calculation for General Obligation Bonds Paid for with Property Taxes;
- (E) Form G Initial Calculation of Allowed Recoupment and Calculation of First Year of Recoupment Taken; and
- (F) Form H Calculation of Second and/or Third Year of Recoupment Taken.

QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW**TAX RATE SUMMARY PAGE - FOR POLITICAL SUBDIVISIONS OTHER THAN SCHOOL DISTRICTS USING SB 960 (2004)**

(Name of Political Subdivision)

(Political Subdivision Code)

(Purpose of Levy)

COMPLETE THE HIGHLIGHTED CELLS TO USE THIS TAX RATE CALCULATOR. PRINT OFF SUMMARY PAGE, IF DESIRED.

	Real Estate			Personal
	Residential	Agricultural	Commercial	Property
A. Prior Year Tax Rate Ceiling as defined in Chapter 137, RSMo. Revised if Prior Year Assessed Valuation Changed. (Prior Year Tax Rate Summary Page, Line F)				
B. Current Year Rate Computed Pursuant to Article X, Section 22 of the Missouri Constitution and Section 137.073, RSMo (Form A, Line 37)				
C1. Tax Rate Ceiling at the Time of the Election If Applicable				
C2. Amount of Rate Increase Authorized By Voters (Form B, Line 2 If Same Purpose)				
D. Total [Line B (if no election) otherwise Line C1 + Line C2]				
E. Maximum Authorized Levy [Greater of Prior Year Line E or Current Year Line D (If there was an election), Otherwise Prior Year Line E]				
F. Current Year Tax Rate Ceiling (Lower of Line D or E) Maximum Legal Rate to Comply with Missouri Laws				
G. Less Required Sales Tax Reduction If Applicable				
H. Less Voluntary Reduction By Political Subdivision				
I. Plus Allowable Recoupment Rate If Applicable (Attach Form G or H)				
J. Tax Rate To Be Levied Rate to be Certified MUST be \leq Line F (Line F - Lines G - H + Line I)				
AA. Rate To Be Levied For Debt Service If Applicable (Form C, Line 10)				
BB. Additional Special Purposed Rate Authorized By Voters After The Prior Year Tax Rates Were Set, If Applicable (Form B, Line 2 if a Different Purpose)				

CERTIFICATION

I, the undersigned, _____ (Office) of _____ (Political Subdivision)
levying a rate in _____ (County or Counties) do hereby certify that the data set forth above and on
the accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Lines G - BB, sign this form, and return to either **the County Clerk(s) for final certification** **OR**
the State Auditor's Office for a math check.

(Date) _____ (Signature) _____ (Printed Name) _____ (Telephone) _____

Proposed rate to be entered on tax books by County Clerk

Based on Certification from the Political Subdivision: Lines: J
Section 137.073.7 RSMo, states that no tax rate shall be extended AA
on the tax rolls by the county clerk unless the political subdivision BB
has complied with the foregoing provisions of this section.

(Date) _____ (County Clerk's Signature) _____ (County) _____

Please submit only 1 copy directly to the State Auditor's Office - If you fax it, DON'T mail it & vice versa.

QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
COMPUTATION OF REASSESSMENT GROWTH AND RATE FOR COMPLIANCE WITH ARTICLE X, SECTION 22 AND SECTION 137.073 RSMo
FORM A - FOR POLITICAL SUBDIVISION OTHER THAN SCHOOL DISTRICTS USING SB 960 (2004)

	(Name of Political Subdivision)	(Political Subdivision Code)				(Purpose of Levy)	Prior Method of Calculating Tax Rates
		(a)			(d) Personal Property Total		
		(b) Real Estate Agricultural	(c) Commercial	(d) Personal Property			
1. ** Current Year (2004) Assessed Valuation							
Include the current locally and stated assessed valuation obtained from the County Clerk, Assessor, or comparable office finalized by the local board of equalization.							
2. ** Assessed Valuation of New Construction & Improvements							
2(a) (b) & (c) - May be obtained from the County Clerk or Assessor. 2(d) = [Line 1(d) - 3(d) - 6(d) + 7(d) + 8(d)] If negative, enter zero							
3. ** Assessed Value of Newly Added Territory							
Obtained from the County Clerk or Assessor							
4. ** Assessed Value of Real Property that Changed Subclass from the Prior Year and Was Added to a New Subclass in the Current Year							
Obtained from the County Clerk or Assessor							
5. Adjusted Current Year Assessed Valuation							
(Line 1 - Line 2 - Line 3 - Line 4)							
6. ** Prior Year (2003) Assessed Valuation							
Include the prior year locally and state assessed valuation obtained from the County Clerk, Assessor or comparable office finalized by the local board of equalization. Note: If this is different than the amount on the 2003 Form A, Line 1 then revise the 2003 tax rate form to re-calculate the 2003 tax rate ceiling. Enter the revised 2003 tax rate ceiling on the 2004 Tax Rate Summary Page, Line A.							
7. ** Assessed Value in Newly Separated Territory							
Obtained from the County Clerk or Assessor							
8. ** Assessed Value of Property Locally Assessed in Prior Year, but State Assessed in Current Year							
Obtained from the County Clerk or Assessor							
9. ** Assessed Value of Real Property that Changed Subclass from the Prior Year and Was Subtracted from the Previously Reported Subclass							
Obtained from the County Clerk or Assessor							
10. Adjusted Prior Year Assessed Valuation							
(Line 6 - Line 7 - Line 8 - Line 9)							
HASH TOTAL (To be computed and used by the State)							

QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
COMPUTATION OF REASSESSMENT GROWTH AND RATE FOR COMPLIANCE WITH ARTICLE X, SECTION 22 AND SECTION 137.073 RSMo
FORM A - FOR POLITICAL SUBDIVISION OTHER THAN SCHOOL DISTRICTS USING SB 960

(2004)

	(Name of Political Subdivision)	(Political Subdivision Code)				(Purpose of Levy)	Prior Method of Calculating Tax Rates
		(a)			(d) Personal Property		
		Residential	(b) Real Estate Agricultural	(c) Commercial			
** - Mandatory Required Fields to Complete							
11. Percentage Increase in Adjusted Valuation of existing property in the current year over the prior year's assessed valuation [(Line 5 - Line 10) / Line 10] * 100							
12. Increase in Consumer Price Index Certified by the State Tax Commission							
13. Adjusted Prior Year Assessed Valuation (Line 10)							
14. Prior Year (2003) Tax Rate Ceiling Current Method = Tax Rate Summary Page, Line A Prior Method = The 2003 Form A, Line 19 (Prior Method) + the 2003 Tax Rate Summary Page, Line C							
15. Maximum Prior Year Adjusted Revenue Permitted from property that existed in both years [(Line 13 * Line 14) / 100]							
16. Permitted Reassessment Revenue Growth Enter the lower of the actual growth (Line 11), the CPI (Line 12), or 5%. If Line 11 is negative, enter 0%. Do not enter less than 0%, nor more than 5%.							
17. Additional Reassessment Revenue Permitted (Line 15 * Line 16)							
18. Revenue Permitted in the Current Year from property that existed in both years. (Line 15 + Line 17)							
19. Adjusted Current Year Assessed Valuation (Line 5)							
20. Tax Rate Permitted Using Prior Method Tax Rate Permitted Prior to HB1150 & SB960 (Line 18 / Line 19 * 100)							
21. Limit Personal Property to the Prior Year Ceiling [Lower of Line 20 (Personal Property) or Line 14 (Personal Property)]							
22. Maximum Authorized Levy Current Method = The 2003 Tax Rate Summary Page, Line E Prior Method = The Greater of the 2003 Form A, Line 19 (Prior Method) + the 2003 Tax Rate Summary Page, Line C or the 2003 Tax Rate Summary Page, Line E							
23. Limit to the Prior Year Maximum Authorized Levy [Lower of Line 20, Line 21 (for Personal Property only), or Line 22]							

PAGE 2 OF 4

QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
COMPUTATION OF REASSESSMENT GROWTH AND RATE FOR COMPLIANCE WITH ARTICLE X, SECTION 22 AND SECTION 137.073 RSMo
FORM A - FOR POLITICAL SUBDIVISION OTHER THAN SCHOOL DISTRICTS USING SB 960 (2004)

	(Name of Political Subdivision)	(Political Subdivision Code)				(Purpose of Levy)	Prior Method of Calculating Tax Rates		
		(a)		(b)				(c)	(d)
		Residential	Real Estate Agricultural	Commercial	Personal Property				
Calculate Revised Rate(s)									
24.	Tax Revenue [(Line 1 * Line 23) / 100]								
25.	Total Assessed Valuation [Line 1 (Total)]								
26.	Blended Rate [Line 24 (Total) / Line 25 * 100]								
27.	Revenue Difference due to SB 960 [Line 24 (Total) - Line 24 (Prior Method)]								
28.	Rate(s) to be Revised Note: Revision Can Not Increase Personal Property Rate [If Line 27 < 0 or > 0 & Line 23 < Line 23 (Prior Method), Then Line 23, Otherwise 0]								
29.	Current Year Adjusted Assessed Valuation of Rates being Revised (If Line 28 > 0, Then Line 5, Otherwise 0)								
30.	Relative Ratio of Current Year Adjusted Assessed Valuation [Line 29 / Line 29 (Total)]								
31.	Revision to Rate [If Line 28 > 0, Then (-Line 30 * Line 27 / Line 5) * 100, Otherwise 0]								
32.	Revised Rate (Line 23 + Line 31)								
33.	Revised Rate Rounded (If Line 32 < 1, Then Round to a 3-digit rate, Otherwise Round to a 4-digit rate)								
Calculate Final Blended Rate									
34.	Tax Revenue [(Line 1 * Line 33) / 100]								
35.	Total Assessed Valuation [Line 1 (Total)]								
36.	Final Blended Rate [(Line 34 (Total) / Line 35) * 100]								
37.	Tax Rate(s) Permitted Calculated Pursuant to Article X, Section 22 and and Section 137.073 RSMo. (Line 33) Enter Rate(s) on the Tax Rate Summary Page, Line B								

QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
COMPUTATION OF REASSESSMENT GROWTH AND RATE FOR COMPLIANCE WITH ARTICLE X, SECTION 22 AND SECTION 137.073 RSMo
FORM A - FOR POLITICAL SUBDIVISION OTHER THAN SCHOOL DISTRICTS USING SB 960 (2004)

	(Name of Political Subdivision)	(Political Subdivision Code)				(Purpose of Levy)	Prior Method of Calculating Tax Rates
		(a) Residential	(b) Real Estate Agricultural	(c) Commercial	(d) Personal Property		
For Informational Purposes Only							
38.	Revenue Calculated Using SB 960 [(Line 37 * Line 1) / 100]						
39.	Revenue Calculated Using the Prior Method [Line 23 (Prior Method) * Line 1] / 100]						
40.	Revenue Differences Using the Different Methods (Line 38 - Line 39)						
41.	Percent Change (Line 40 / Line 39)						

**QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
DEBT SERVICE CALCULATION FOR GENERAL OBLIGATION BONDS
PAID FOR WITH PROPERTY TAXES
FORM C - FOR POLITICAL SUBDIVISIONS OTHER THAN SCHOOL DISTRICTS USING SB 960**

(2004)

(Name of Political Subdivision)	(Political Subdivision Code)	Debt Service (Purpose of Levy)
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The tax rate for Debt Service will be considered valid if, after making the payment(s) for which the tax was levied, the bonds remain outstanding, and the debt fund reserves do not exceed the following year's payments. Since the property taxes are levied and collected on a calendar year basis (January - December), it is recommended that this levy be computed using calendar year data.

1. **** Total current year assessed valuation** obtained from the County Clerk or County Assessor. (Form A, Line 1 Total) _____
2. **** Amount required to pay debt service requirements during the next calendar year (January 2005 - December 2005).** Include the principal and interest payments due on outstanding general obligation bond issues plus anticipated fees of any transfer agent or paying agent. _____
3. **** Estimated costs of collection (collector fees and commissions and Assessment Fund withholdings) and anticipated delinquencies.** Experience in prior years is the best guide for estimating un-collectible taxes. (Usually 2% to 10% of Line 2 above) _____
4. **** Reasonable reserve up to one year's payment** - It is important that the Debt Service Fund have sufficient reserves to prevent any default on the bonds. This will include payments for January 2006 - December 2006. _____
5. **Total required for debt service** (Line 2 + Line 3 + Line 4) _____
6. **** Anticipated balance at end of current calendar year.**
Show the anticipated bank balance at December 31, 2004 (account for any principal or interest due and estimated investment earning in the fund). _____
7. **Property tax revenue required for debt service** (Line 5 - Line 6)
Any current balance in the fund available to meet the Debt Service requirements in the next calendar year is deducted from the total revenues required for Debt Service purposes. _____
8. **Computation of debt service tax rate** [(Line 7 / Line 1) x 100]
Round a fraction to the nearest one/one hundredth of a cent.
See the rounding worksheet. _____
9. **** Less Voluntary Reduction By Political Subdivision** _____
10. **Actual rate to be levied for debt service purposes *** (Line 8 - Line 9)
Enter this rate on the Tax Rate Summary Page, Line AA. _____

* The tax rate levied may be lower than the rate computed as long as adequate funds are available to service the debt requirements.

** Mandatory Required Fields to Complete (For General Obligation Bonds Paid for by Property Taxes).

HASH TOTAL (To be computed and used by the State) _____

**FORM G - RECOUPMENT FORM FOR COMPLIANCE WITH SECTION 137.073.3(2)(a) and (b)
FOR POLITICAL SUBDIVISIONS OTHER THAN SCHOOL DISTRICTS IMPLEMENTING SB960**

(Name of Political Subdivision)

(Political Subdivision Code)

(Purpose of Levy)

If assessments are reduced after tax rates are set and the reductions are due to decisions of the State Tax Commission or a judicial court or are due to clerical corrections, the existing tax rate ceiling may be revised to compensate for the changes described above. A political subdivision may document these changes by filing revised copies of each of the tax rate forms for each year that is affected. These changes should be clearly marked on the revised forms and a written explanation of the revised should be attached.

Before completion of this form, revisions are required to the prior year(s) tax rate forms to determine the revised assessed valuation and revised tax rate ceiling. Revised forms must be filed with the State Auditor before or at the time the recoupment form is filed. **See tab "2001 and 2002 Input Data" of the Recoupment Calculator for Political Subdivisions Other Than Schools Using SB960 on the State Auditor's web site to update the tax rate computation for years 2001 and 2002 and/or tab "2003 Input Data" of the Recoupment Calculator for Political Subdivisions Other Than Schools Using SB960 on the State Auditor's web site to update the tax rate computation for year 2003. Otherwise, manually revise the tax rate computation for years 2003, 2002, and/or 2001.**

After making revisions, a political subdivision may be permitted to levy an additional tax for up to three years to recoup the revenues it was entitled to receive for the preceding one to three year period affected by the revisions. The steps below determine if a recoupment is permissible and document to what extent the political subdivision desires to recoup in the current year.

Start with the third prior year (if applicable) and work forward to the present.

Please provide a written explanation in the space below (or by attaching an explanation) as to why the political subdivision would be eligible for the recoupment process.

CERTIFICATION

I, the undersigned hereby do certify that the data set forth below is true and accurate to the best of my knowledge and belief.

Name of Political Subdivision

(Telephone)

(Signature)

Political Subdivision No.

(Date)

(Print Name)

Purpose of Levy

**FORM G - RECOUPMENT FORM FOR COMPLIANCE WITH SECTION 137.073.3(2)(a) and (b)
FOR POLITICAL SUBDIVISIONS OTHER THAN SCHOOL DISTRICTS IMPLEMENTING SB960**

(Name of Political Subdivision)	(Political Subdivision Code)	(Purpose of Levy)
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YEAR 2002 and 2001 - COMPLETE LINES 1 THROUGH 9 FOR THE THIRD AND SECOND PRIOR YEAR (IF APPLICABLE)

	2002	2001	Total
1. Revised State & Locally Assessed Valuation After the changes to 2002 and/or 2001 tax rate(s) have been made. (Revised Form A, Line 1 Total)			
2. Revised Tax Rate Ceiling After the revision to the assessed valuation was made. (Revised Tax Rate Summary Page, Line F)			
3. Revised Permissible State & Locally Assessed Tax Revenue [(Line 1 x Line 2) / 100]			
4. Revised State & Locally Assessed Valuation (Form G, Line 1)			
5. Original Tax Rate Ceiling (Original Tax Rate Summary Page, Line F)			
6. Total State & Locally Assessed Revenue Actually Produced [(Line 4 x Line 5) / 100]			
7. Total Lost Revenue Allowed to be Recouped (Line 3 - Line 6)			

YEAR 2003 - COMPLETE LINES 10 THROUGH 13 FOR THE PRIOR YEAR (IF APPLICABLE)

	Real Estate			Personal Property	Total
	Residential	Agricultural	Commercial		
8. Revised State & Locally Assessed Valuation After the changes to 2003 tax rate(s) have been made. (Revised Form A, Line 1 Total)					
9. Revised Tax Rate Ceiling After the revision to the assessed valuation was made. (Revised Tax Rate Summary Page, Line F)					
10. Revised Permissible State & Locally Assessed Tax Revenue [(Line 8 x Line 9) / by 100]					
11. Revised State & Locally Assessed Valuation (Form G, Line 8)					
12. Original Tax Rate Ceiling (Original Tax Rate Summary Page, Line F)					
13. Total State & Locally Assessed Revenue Actually Produced [(Line 11 x Line 12) / 100]					
14. Total lost revenue to be recouped (Line 10 - Line 13)					

**FORM G - RECOUPMENT FORM FOR COMPLIANCE WITH SECTION 137.073.3(2)(a) and (b)
FOR POLITICAL SUBDIVISIONS OTHER THAN SCHOOL DISTRICTS IMPLEMENTING SB960**

(Name of Political Subdivision)	(Political Subdivision Code)	(Purpose of Levy)
Determination of Recoupment Rate(s)		
15. Total Revenue Loss [Line 7 (Total) + Line 14 (Total)]		
16. Revenue Desired to Recoup in Current Year Revenue the political subdivision chooses to recoup in the current year. Enter the desired revenue to recoup in the highlighted cell. (Do Not Enter Less than Line 7 for the Year 2001 Nor More than Line 15)		
17. Total Current Year (2004) State & Locally Assessed Property Enter the assessed valuation in the highlighted cells. [Current (2004) Form A, Line 1]		
18. Relative Ratio of Current Year Assessed Valuation Ratio of the assessed valuation of each subclass to the total assessed valuation. [Line 17 / Line 17 (total)]		
19. Total Revenue Desired to Recoup Allocated To Each Subclass Based on the Relative Ratio of Assessed Valuation (Line 16 x Line 18)		
20. Rate(s) to be Levied to Partially or Fully Recoup the Loss [(Line 19 / Line 17) x 100]		
Complete lines 21 and 21 IF Line 16 is less than Line 15 Form H will Need to be Completed to Continue this Recoupment in the 2nd or 3rd Year		
21. Portion of revenue on Line 7 for year 2002 reserved for second year of recoupment		
22. Portion of revenue on Line 14 for year 2003 reserved for second or third year of recoupment		

**FORM H - RECOUPMENT FORM FOR COMPLIANCE WITH SECTION 137.073.3(2)(a) and (b)
FOR POLITICAL SUBDIVISIONS OTHER THAN SCHOOL DISTRICTS IMPLEMENTING SB960**

(Name of Political Subdivision)

(Political Subdivision Code)

(Purpose of Levy)

Assessment reductions ordered after tax rates are set may result in a loss of revenue. In certain instances, a separate recoupment rate may be levied in a subsequent year to replace the revenue lost (see Form G). A political subdivision may choose not to fully recoup the revenue lost in one year. A three-year period following the year in which the loss occurred is allowed by statute for recouping the lost revenues. Form H is used to document the revenue remaining to be recouped and the allowable recoupment rate when there is a carry over.

COMPUTATION OF RECOUPMENT RATE

	Residential	Agricultural	Commercial	Personal	Total
1. Total Revenue Lost Due to Assessment Reductions (Form G, Line 7)					
2. Revenue Recouped in Prior Year(s) _____ Year					
a. Assessed Valuation					
b. Recoupment Rate					
c. Revenue Recouped [(Line 2a x 2b) / 100]					
_____ Year					
d. Assessed Valuation					
e. Recoupment Rate					
f. Revenue Recouped [(Line 2d x 2e) / 100]					
3. Total Revenue Recouped in Prior Year(s) [Line 2c (Total) + Line 2f (Total)]					
4. Revenue Desired to be Recouped in the Current Year The law provides for recoupment no further back than the third prior year. For example, if the recoupment rate is being computed for 2004, the revenue lost from 2001 must be recouped or waived.					
5. Total Current Year Assessed Valuation Obtained from the County Clerk or Assessor (Form A, Line 1)					
6. Relative Ratio of Current Year Assessed Valuation Ratio of the assessed valuation of each subclass to the total assessed valuation. [Line 5 / Line 5 (Total)]					
7. Total Revenue Desired to Recoup Allocated To Each Subclass Based on the Relative Ratio of Assessed Valuation (Line 4 x Line 6)					
8. Rate(s) to be Levied to Partially or Fully Recoup the Lost Revenue [(Line 7 / Line 5) x 100]					

CERTIFICATION

I, the undersigned hereby do certify that the data set forth below is true and accurate to the best of my knowledge and belief.

Name of Political Subdivision

(Telephone)

(Signature)

Political Subdivision No.

(Date)

(Print Name)

Purpose of Levy

AUTHORITY: section 137.073.6, RSMo Supp. 2003, as amended by Senate Bill 960, 92nd General Assembly—2004. A version of this rule was previously filed as 15 CSR 40-3.120. Emergency rule filed Sept. 24, 2004, effective Oct. 4, 2004, expires April 1, 2005.

Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions

EMERGENCY RULE

15 CSR 40-3.160 Calculation and Revision of Property Tax Rates by Political Subdivisions Other Than School Districts that Calculate a Single Property Tax Rate Applied to All Property

PURPOSE: This rule applies to political subdivisions other than school districts that calculate a single property tax rate applied to all property and is designed to implement section 137.073, RSMo as it applies to calculating and revising property tax rates.

*EMERGENCY STATEMENT: Senate Bill No. 960, 92nd General Assembly (2004) amended section 173.073.6, RSMo, to require that all forms for the calculation of property tax rates pursuant to this section shall be promulgated and not incorporated by reference. The new law became effective on August 28, 2004. The state auditor was required to promulgate rules within thirty (30) days of the effective date. The Missouri State Auditor's Office finds a compelling governmental interest in establishing an early effective date for this emergency rule in order to implement the statutory requirements of section 137.073, RSMo as enacted by Senate Bill No. 960, 92nd General Assembly—2004 amending section 137.073.6, RSMo with regard to procedures for calculating and revising property tax rates. This emergency rule sets forth the formulas to be used in calculating various property tax rates. The forms with instructions have been adopted and approved for use by the school districts or political subdivisions other than school districts to calculate property tax rates. These forms should be used to compute and substantiate the annual tax rate ceiling(s) pursuant to requirements of the *Missouri Constitution* Article X, Section 22 and section 137.073, RSMo. Under the old rule the formulas were incorporated by reference. The scope of this emergency rule is limited to the circumstances creating an emergency and requiring emergency action. The state auditor believes this emergency rule is fair to all interested persons and parties under the circumstances. This rule filed September 24, 2004, effective October 4, 2004, expires April 1, 2005.*

(1) The following forms with instructions, included herein, have been adopted and approved for use by the political subdivisions other than school districts to calculate a single property tax rate for all property. These forms should be used to compute and substantiate the annual tax rate ceiling(s) pursuant to requirements of the *Missouri Constitution* Article X, Section 22 and section 137.073, RSMo:

- (A) Tax Rate Summary Page;
- (B) Form A Computation of Reassessment Growth and Rate for Compliance with Article X, Section 22, *Missouri Constitution* and section 137.073, RSMo;
- (C) Form B New Voter Approved Tax Rate or Tax Rate Increase;
- (D) Form C Debt Service Calculation for General Obligation Bonds Paid for with Property Taxes;
- (E) Form G Initial Calculation of Allowed Recoupment and Calculation of First Year of Recoupment Taken; and
- (F) Form H Calculation of Second and/or Third Year of Recoupment Taken.

**QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
TAX RATE SUMMARY PAGE - FOR POLITICAL SUBDIVISIONS OTHER THAN SCHOOLS (2004)**

(Name of Political Subdivision)	(Political Subdivision Code)	(Purpose of Levy)
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The information to be shown on the Tax Rate Summary Page is either available from prior year forms, computed on the attached forms, or computed directly on the Tax Rate Summary Page.

- | | | |
|-----|---|-------|
| A. | Prior Year Tax Rate Ceiling as defined in Chapter 137, RSMo.
Revised if the Prior Year Assessed Valuation Changed.
(Prior Year Tax Rate Summary Page, Line F) | _____ |
| B. | Current Year Rate Computed Pursuant To Article X, Section 22
of the Missouri Constitution and Section 137.073, RSMo. (Form A, Line 18) | _____ |
| C1. | Tax Rate Ceiling at the Time of the Election (If Applicable) | _____ |
| C2. | Amount of Rate Increase Authorized By Voters
(Form B, Line 2 if same purpose) | _____ |
| D. | Total [Line B (if no election) otherwise Line C1 + Line C2] | _____ |
| E. | Maximum Authorized Levy
[Greater of Prior Year Line E or Current Year Line D (if there was an election)] | _____ |
| F. | Current Year Tax Rate Ceiling (Lower of Line D or E)
Maximum legal rate to comply with Missouri laws. | _____ |
| G. | Less Required Sales Tax Reduction (If Applicable) | _____ |
| H. | Less Voluntary Reduction By Political Subdivision | _____ |
| I. | Plus Allowable Recoupment Rate If Applicable (Attach Form G or H) | _____ |
| J. | Tax Rate To Be Levied Rate to be Certified MUST be \leq Line F
(Line F - Line G - Line H + Line I) | _____ |
| AA. | Rate To Be Levied For Debt Service If Applicable
(Form C, Line 10) | _____ |
| BB. | Additional Special Purpose Rate Authorized By Voters
After The Prior Year Tax Rates Were Set, If Applicable
(Form B, Line 2 if a different purpose) | _____ |

CERTIFICATION

I, the undersigned, _____ (Office) of _____ (Political Subdivision)
levying a rate in _____ County(ies) do hereby certify that the data set forth above and
on the accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Lines G – BB, sign this form, and return to either the County Clerk(s) for final certification
or the State Auditor's Office for a math check.

(Print Name)	(Date)	(Signature)	(Telephone)
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Proposed rate to be entered on tax books by County Clerk

Based on Certification from the Political Subdivision: Lines J _____ AA _____ BB _____

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

(County)	(County Clerk's Signature)	(Date)
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Please submit only 1 copy directly to the State Auditor's Office – if you fax it, DON'T mail it and vice versa.

**QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
COMPUTATION OF REASSESSMENT GROWTH AND RATE FOR COMPLIANCE
WITH ARTICLE X, SECTION 22 AND SECTION 137.073 RSMo
FORM A - FOR POLITICAL SUBDIVISIONS OTHER THAN SCHOOLS**

(2004)

(Name of Political Subdivision) (Political Subdivision Code) (Purpose of Levy)

1. Current Year (2004) Assessed Valuation**

Include the current state and locally assessed valuation obtained from the County Clerk, County Assessor, or comparable office finalized by the local board of equalization.

(a) _____ + (b) _____ = _____
(Real Estate) (Personal) (Total)

2. Assessed Value of New Construction and Improvements**

2(a) - May be obtained from the County Clerk or County Assessor.

2(b) - Increase in personal property. Use the formula listed under Line 2(b).

(a) _____ + (b) _____ = _____
(Real Estate) Line 1(b) - 3(b) - 5(b) + 6(b) + 7(b) (Total)
If Line 2b is Negative, Enter Zero

3. Assessed Value of Newly Added Territory**

May be obtained from the County Clerk or County Assessor.

(a) _____ + (b) _____ = _____
(Real Estate) (Personal) (Total)

4. Adjusted Current Year Assessed Valuation

[Line 1 (Total) - Line 2 (Total) - Line 3 (Total)]

5. Prior Year (2003) Assessed Valuation**

Include the prior year state and locally assessed valuation obtained from the County Clerk, County Assessor, or comparable office finalized by the local board of equalization.

Note: If this is different than the amount on the 2003 Form A, Line 1, then revise the 2003 tax rate form to re-calculate the 2003 tax rate ceiling. Enter the revised 2003 tax rate ceiling on the 2004 Tax Rate Summary Page, Line A.

(a) _____ + (b) _____ = _____
(Real Estate) (Personal) (Total)

6. Assessed Value of Newly Separated Territory**

May be obtained from the County Clerk or County Assessor.

(a) _____ + (b) _____ = _____
(Real Estate) (Personal) (Total)

7. Assessed Value of Property Locally Assessed in Prior Year, but State Assessed in Current Year**

May be obtained from the County Clerk or County Assessor.

(a) _____ + (b) _____ = _____
(Real Estate) (Personal) (Total)

8. Adjusted Prior Year Assessed Valuation

[Line 5 (Total) - Line 6 (Total) - Line 7 (Total)]

**** - Mandatory Required Fields to Complete**

Continue to Form A, Page 2 of 3 for Computation of the Tax Rate.

HASH TOTAL (To be computed and used by the State)

**QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
COMPUTATION OF REASSESSMENT GROWTH AND RATE FOR COMPLIANCE
WITH ARTICLE X, SECTION 22 AND SECTION 137.073 RSMo**

FORM A - FOR POLITICAL SUBDIVISIONS OTHER THAN SCHOOLS (2004)

(Name of Political Subdivision)	(Political Subdivision Code)	(Purpose of Levy)
.....		
9. Percentage Increase in Adjusted Valuation of existing property in the current year over the prior year's assessed valuation [(Line 4 - Line 8) / Line 8] x 100		_____ %
10. Increase in Consumer Price Index as certified by the State Tax Commission.		<u>2.3000</u> %
11. Adjusted Prior Year Assessed Valuation (Line 8) If Negative, Enter Zero		_____
12. Tax Rate Ceiling from Prior Year (2003) (Tax Rate Summary Page, Line A)		_____
13. Maximum Prior Year Adjusted Revenue Permitted from property that existed in both years. [(Line 11 x Line 12) / 100]		_____
14. Permitted Reassessment Revenue Growth <u>The percentage entered on Line 14 should be the lower of the</u> <u>actual growth (Line 9), the CPI (Line 10), or 5%.</u> A negative figure on Line 9 is treated as a zero for Line 14 purposes. Do not enter less than 0, nor more than 5%.		_____ %
15. Additional Reassessment Revenue Permitted (Line 13 x Line 14)		_____
16. Revenue Permitted in the Current Year from property that existed in both years (Line 13 + Line 15)		_____
17. Adjusted Current Year Assessed Valuation (Line 4) If Negative, Enter Zero		_____
18. Maximum Tax Rate Permitted by Article X, Section 22 and Section 137.073 RSMo. [(Line 16 / Line 17) x 100] Round a fraction to the nearest one/one hundredth of a cent. See the rounding worksheet Enter this rate on the Tax Rate Summary Page, Line B		_____

* To compute the total property tax revenues BILLED for the current year (including revenues from all new construction and improvements and annexed property), multiply Line 1 by the rate on Line 22 and divide by 100. The property tax revenues BILLED would be used in estimating budgeted revenues.

**QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
NEW VOTER APPROVED TAX RATE OR TAX RATE INCREASE
FORM B - FOR POLITICAL SUBDIVISIONS OTHER THAN SCHOOLS (2004)**

(Name of Political Subdivision) (Political Subdivision Code) (Purpose of Levy)

**** - Mandatory Required Fields to Complete** (if there was a new voter approved tax rate or tax rate increase).

Since the prior year tax rate computation, some political subdivisions may have held elections where voters approved an increase in an existing tax or approved a new tax. Form B is designed to document the election.

1.** **Date of election** _____

2.** **Amount of Increase Approved by Voters** (An "Increase of" or "Increase by")
Enter this rate on the Tax Rate Summary Page, Line C
(if this is an increase to an existing rate).
or
Enter this rate on the Tax Rate Summary Page, Line BB
(if it is a new rate or replaces a rate that has expired). _____

State Rate Approved by Voters (An "Increase to")
Enter this rate on the Tax Rate Summary Page, Line D and put
the difference between the Tax Rate Summary Page, Line C1 & the
Tax Rate Summary Page, Line D on the Tax Rate Summary Page, Line C
(if this is an increase to an existing rate). **OR**
or
Enter this rate on the Tax Rate Summary Page, Line BB
(if it is a new rate or replaces a rate that has expired) _____

3.** **Ballot Language**
Attach a sample ballot or state proposition posed to the voters exactly as it appeared on the ballot.

4.** **Election results** _____
(Yes) (No)

5.** **Expiration Date**
Enter the last year the levy will be in effect, if applicable. _____

.....
HASH TOTAL (To be computed and used by the State) _____

**QUESTIONNAIRE - DATA SUBMITTED TO THE STATE AUDITOR'S OFFICE FOR REVIEW
DEBT SERVICE CALCULATION FOR GENERAL OBLIGATION BONDS
PAID FOR WITH PROPERTY TAXES**

FORM C - FOR POLITICAL SUBDIVISIONS OTHER THAN SCHOOLS (2004)

(Name of Political Subdivision)

(Political Subdivision Code)

(Purpose of Levy)

.....
The tax rate for Debt Service will be considered valid if, after making the payment(s) for which the tax was levied, the bonds remain outstanding, and the debt fund reserves do not exceed the following year's payments.

Since property taxes are levied and collected on a calendar year basis (January – December), it is recommended that this levy be computed using calendar year data.

- 1.** **Total current year assessed valuation** obtained from the County Clerk or County Assessor. (Form A, Line 1 Total) _____
- 2.** **Amount required to pay debt service requirements during the next calendar year (January 2005 – December 2005).** Include the principal and interest payments due on outstanding general obligation bond issues plus anticipated fees of any transfer agent or paying agent. _____
- 3.** **Estimated costs of collection (collector fees and commissions and Assessment Fund withholdings) and anticipated delinquencies.** Experience in prior years is the best guide for estimating un-collectible taxes. (Usually 2% to 10% of Line 2 above) _____
- 4.** **Reasonable reserve up to one year's payment** - It is important that the Debt Service Fund have sufficient reserves to prevent any default on the bonds. This will include payments for January 2006 – December 2006. _____
5. **Total required for debt service** (Line 2 + Line 3 + Line 4) _____
- 6.** **Anticipated balance at end of current calendar year.** Show the anticipated bank balance at December 31, 2004 (account for any principal or interest due and estimated investment earning in the fund). _____
7. **Property tax revenue required for debt service** (Line 5 - Line 6) Any current balance in the fund available to meet the Debt Service requirements in the next calendar year is deducted from the total revenues required for Debt Service purposes. _____
8. **Computation of debt service tax rate** [(Line 7 / Line 1) x 100] Round a fraction to the nearest one/one hundredth of a cent. See the rounding worksheet. _____
9. **Less Voluntary Reduction By Political Subdivision** _____
10. **Actual rate to be levied for debt service purposes *** (Line 8 – Line 9) Enter this rate on the Tax Rate Summary Page, Line AA. _____

.....
* - The tax rate levied may be lower than the rate computed as long as adequate funds are available to service the debt requirements.

** - **Mandatory Required Fields to Complete**

HASH TOTAL (To be computed and used by the State) _____

**FORM G - RECOUPMENT FORM FOR COMPLIANCE WITH SECTION 137.073.3(2)(a) and (b)
FOR SCHOOL DISTRICTS NOT IMPLEMENTING SB960**

(2004)

(Name of Political Subdivision)	(Political Subdivision Code)	(Purpose of Levy)
---------------------------------	------------------------------	-------------------

If assessments are reduced after tax rates are set and the reductions are due to decisions of the State Tax Commission or a judicial court or are due to clerical corrections, the existing tax rate ceiling may be revised to compensate for the changes described above. A political subdivision may document these changes by filing revised copies of each of the tax rate forms for each year that is affected. These changes should be clearly marked on the revised forms and a written explanation of the revised should be attached.

Before completion of this form, revisions are required to the prior year(s) tax rate forms to determine the revised assessed valuation and revised tax rate ceiling. Revised forms must be filed with the State Auditor before or at the time the recoupment form is filed. **See tab "Input Data" to update the tax rate computation for years 2003, 2002, and/or 2001 using this calculator. Otherwise, manually revise the tax rate computation for years 2003, 2002, and/or 2001.**

After making revisions, a political subdivision may be permitted to levy an additional tax for up to three years to recoup the revenues it was entitled to receive for the preceding one to three year period affected by the revisions. The steps below determine if a recoupment is permissible and document to what extent the political subdivision desires to recoup in the current year.

Start with the third prior year (if applicable) and work forward to the present.

To use this calculator, begin by entering the revised information into the "Input Data" tab. The updated information will flow into the applicable line items of the revised 2003, 2002, and 2001 tax rate forms, as well the Recoupment Form. The highlighted cells below must be completed. Print Tip - Select "entire workbook" if you wish to print all forms in one step.

Please provide a written explanation in the space below (or by attaching an explanation) as to why the political subdivision would be eligible for the recoupment process.

CERTIFICATION

I, the undersigned hereby do certify that the data set forth on the accompanying forms is true and accurate to the best of my knowledge and belief.

(Name of Political Subdivision)

(Telephone)

(Signature)

(Political Subdivision Code)

(Date)

(Print Name)

(Purpose of Levy)

**FORM G - RECOUPMENT FORM FOR COMPLIANCE WITH SECTION 137.073.3(2)(a) and (b)
FOR SCHOOL DISTRICTS NOT IMPLEMENTING SB960****(2004)**

(Name of Political Subdivision)	(Political Subdivision Code)	(Purpose of Levy)	
	2003	2002	2001
1. Revised State & Locally Assessed Valuation After the changes to 2003, 2002 &/or 2001 tax rate(s) have been made. (Revised Form A, Line 1 Total)			
2. Revised Tax Rate Ceiling After the revision to the assessed valuation was made. (Revised Tax Rate Summary Page, Line F)			
3. Permissible revised state and locally assessed tax revenue [(Line 1 x Line 2)/100] Line 3 Rounded			
4. Revised state and locally assessed valuation (Form G, Line 1 Total)			
5. Original tax rate ceiling (Certified)			
6. Total state and locally assessed tax revenue [(Line 4 x Line 5)/100] Line 6 Rounded			
Determination of Recoupment Rate - Enter information into the highlighted cells.			
7. Total Revenue Loss (Total of Line 6). Recoupment is not allowed if cell is negative.			
8. Revenue desired to recoup in current year (not less than line 6 for year 2001 nor more than Line 7)			
9. Total current year (2004) locally assessed property [Current (2004) Form A, Line 1]			
10. Rate to be levied to partially or fully recoup the loss [(Line 8 / Line 9) x 100]			
Complete lines 12 and 13 IF Line 9 is less than Line 8			
12. Portion of revenue on Line 7 for year 2005 reserved for second year of recoupment			
13. Portion of revenue on Line 7 for year 2006 reserved for second or third year of recoupment			

**FORM H COMPUTATION OF RECOUPMENT RATE
FOR POLITICAL SUBDIVISIONS OTHER THAN SCHOOL DISTRICTS (2004)**

(Name of Political Subdivision) (Political Subdivision Code) (Purpose of Levy)

.....
Assessment reductions ordered after tax rates are set may result in a loss of revenue. In certain instances, a separate recoupment rate may be levied in a subsequent year to replace the revenue lost (See Form G). A political subdivision may choose not to fully recoup the revenue lost in one year. A three-year period following the year in which the loss occurred is allowed by statute for recouping the lost revenues. Form H is used to document the revenue remaining to be recouped and the allowable recoupment rate when there is a carry over.

Before completion of this form, Form G must have been completed in a prior year.

COMPUTATION OF RECOUPMENT RATE

1. **Total revenue lost due to assessment reductions**
from Form G, Line 7 (Form G was completed in a previous year) _____

2. **Revenue recouped in prior years**

(Year) a. $\left[\frac{(\text{Assessed Valuation} \times \text{Recoupment Rate})}{100} \right]$ _____

(Year) b. $\left[\frac{(\text{Assessed Valuation} \times \text{Recoupment Rate})}{100} \right]$ _____

Total revenue recouped in prior years
(Line 2a + Line 2b) _____

3. **Revenue remaining to be recouped**
[Line 1 - Line 2 (Total)] _____

4. **Revenue desired to be recouped in the current year**
The law provides for recoupment no further back than the third prior year. For example, if the recoupment rate is being computed for 2004, the revenue lost from 2001 must be recouped or waived. _____

5. **Total current year assessed valuation**
Obtained from the County Assessor or County Clerk
(Form A, Line 1 Total) _____

6. **Recoupment rate for the current year**
[(Line 4 / Line 5) x 100] _____

.....
CERTIFICATION

I, the undersigned, _____ of _____
located in _____ (Office) (Political Subdivision)
County(ies) do hereby certify that the data set forth above is true and accurate
to the best of my knowledge and belief.

(Signature) (Date)

(Print Name) (Telephone)

AUTHORITY: section 137.073.6, RSMo Supp. 2003, as amended by Senate Bill 960, 92nd General Assembly—2004. A version of this rule was previously filed as 15 CSR 40-3.120. Emergency rule filed Sept. 24, 2004, effective Oct. 4, 2004, expires April 1, 2005.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2003.

04-22

WHEREAS, on October 5, 2004, the federal Centers for Disease Control and Prevention (CDC) received notification by the Chiron Corporation that none of its influenza vaccine (Fluvirin®) would be available for distribution in the United States for the 2004–05 influenza season; and

WHEREAS, this action will reduce by approximately one-half the expected supply of trivalent inactivated vaccine (flu shot) available in the United States for the 2004–05 influenza season; and

WHEREAS, the remaining supply of influenza vaccine expected to be available in the United States this season is an estimated 55.4 million doses of Fluzone® (inactivated flu shot) manufactured by Aventis Pasteur, Inc. Of these doses, approximately 33 million doses already were distributed by the manufacturer. In addition, approximately 1.1 million doses of live attenuated influenza vaccine (LAIV/FluMist®) manufactured by MedImmune will be available this season; and

WHEREAS, CDC and Aventis Pasteur have worked together to develop a plan to distribute in phases 22.4 million doses of unshipped vaccine to identified areas of need throughout the country in response to the loss of half of the nation's expected flu vaccine supply for the 2004-2005 season; and

WHEREAS, an estimated 14.2 million doses of vaccine will be allocated in Phase I over the next 6-8 weeks through Aventis Pasteur contracts directly to high-priority vaccine providers, including hospitals, long-term care facilities, nursing homes, and private providers who care for young children to help ensure that vaccine gets to those people who need it most; and

WHEREAS, CDC will continue to work with Aventis Pasteur and state and local health departments to identify people, by region, on the CDC Priority Group vaccination list in order to distribute to other high-need areas approximately 8.2 million doses remaining after the Phase I is completed; and

WHEREAS, because of this urgent situation, CDC, in coordination with its Advisory Committee for Immunization Practices (ACIP), issued interim recommendations for influenza vaccination during the 2004–05 season that includes designation of persons in high risk categories; and

WHEREAS, exposure to influenza in persons in these high risk categories can result in serious illness or death.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by the authority vested in me by the Constitution and Laws of the State of Missouri, do hereby order the following:

All health care providers and others that possess influenza vaccine in Missouri should limit influenza vaccinations to persons in the following high risk categories identified by the federal Centers for Disease Control and Prevention (CDC):

- all children aged 6 months to 23 months;
- adults aged 65 years and older;

- persons aged 2 years to 64 years with underlying chronic medical conditions;
- all women who will be pregnant during the influenza season;
- residents of nursing homes and long-term care facilities;
- children aged 6 months to 18 years on chronic aspirin therapy;
- health-care workers involved in direct patient care; and
- out-of-home caregivers and household contacts of children aged less than 6 months.

Individuals requesting vaccination who are not included in one of the high risk categories identified by CDC shall be informed about the urgent vaccine supply situations by their health care providers and others that possess influenza vaccine and asked to forgo vaccination to ensure that those in the high risk categories receive their vaccinations.

All health care providers and others that possess influenza vaccine shall cooperate with local public health agencies and the Missouri Department of Health and Senior Services to assess vaccine supply and determine the high need areas in Missouri. The Missouri Department of Health and Senior Services shall convey to the Centers for Disease Control and Prevention the results of the assessment and the need in Missouri to receive vaccine in the Phase II distribution.

The Missouri Attorney General's Office shall take all appropriate actions to thoroughly investigate and prosecute all violations of Missouri law arising from profiteering or price gouging of influenza vaccine available for the 2004-2005 influenza season.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 25th day of October, 2004.

Bob Holden
Governor

ATTEST:

Matt Blunt
Secretary of State

**EXECUTIVE ORDER
04-23**

WHEREAS, Missouri's forests are a major contributor to the state economy through tourism, harvest of timber and forest products; and

WHEREAS, management of timber resources, and expansion of timber and forest product value is a critical element of the long term success of the industry and economic health of the state; and

WHEREAS, nearly 35,000 Missourians derive their employment directly from wood products, drawing nearly one-half billion dollars in compensation annually; and

WHEREAS, 85 percent of Missouri's 14 million forested acres are owned by private landowners; and

WHEREAS, Missouri's 1000 tree farms encompassing over 325,000 acres contribute to the \$3 billion in economic activity in the wood industry; and

WHEREAS, coordination of state resources and industry expertise will help grow both the demand for, and supply of Missouri wood products while balancing the stewardship of forest lands and preserving the state's natural resources.

NOW THEREFORE I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by the power vested in me by the laws and the Constitution of the State of Missouri do hereby order and direct the creation of the Forest Utilization Committee within the Missouri Department of Conservation. This Executive Order shall supersede and rescind Executive Order 04-21 of September 14, 2004.

The purpose of the council shall be to:

1. Facilitate development of a coordinated network among state agencies, universities and associations to document, evaluate, and monitor the economic contribution, environmental impact, and potential of the forest products industry;
2. Develop a strategic roadmap for growing the value of the state's forest products industry and maintaining the state's valued natural resources;
3. Identify specific opportunities for public-private and interagency partnership in the development of forest products industry

The committee shall be composed of eighteen members, one member to be a member of the Missouri Senate to be appointed by the President Pro Tem of the Senate, one member to be a member of the Missouri House of Representatives to be appointed by the Speaker of the House, one forest landowners representing small forestry holdings with owners of less than two hundred acres of timber and one representative of large forestry holdings with greater than two hundred acres of timber, one representative from the Resource Conservation and Development Councils, one representative from the Missouri Department of Natural Resources, one representative of the United States Department of Agriculture Forest Service's North Central Forest Experimental Station, one representative from the University of Missouri's School of Natural Resources, one representative of the Society of American Foresters, one representative from the Missouri Department of Conservation's Division of Forestry, one representative of the Missouri Forest Products Association, one representative of the Missouri Department of

Agriculture Business Development Division, one representative of a large-volume active sawmill and one representative of a small-volume active sawmill, one member from a major agriculture lending agency, one member from an environmental protection public interest group and two at-large members. Each member of the committee shall serve until December 31, 2005. A chairman, appointed by the Governor, vice-chairman, and secretary, elected by the membership, shall conduct the business of the committee.

Commission members shall be appointed by the Governor, except where noted, and receive no compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties on the commission.

All state agencies shall cooperate with the Committee in carrying out its duties, including allowing access to closed records, provided that the Committee shall not disclose any identifying information contained in such records closed pursuant to statute or general order and any such information in the custody of the Committee shall not be discoverable to the same extent as when in the custody of the parent agency.

The Missouri Department of Conservation shall coordinate available resources to provide all necessary staff and support services and shall secure payment of all costs required by the commission to hold commission meetings, to maintain records of official acts and to conduct all other business of the commission. The commission shall meet at least twice a year and at any such time that it deems necessary. Meetings may be called by the chairperson or by a petition signed by a majority of the members of the commission. Ten days' notice shall be given in writing to such members prior to the meeting date. A simple majority of the members of the commission shall be present to constitute a quorum. Proxy voting shall not be permitted.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 21st day of October, 2004.

A handwritten signature in cursive script that reads "Bob Holden".

Bob Holden
Governor

ATTEST:

A handwritten signature in cursive script that reads "Matt Blunt".

Matt Blunt
Secretary of

**EXECUTIVE ORDER
04-24**

WHEREAS, Executive Order 03-15 was issued on August 25, 2003; and

WHEREAS, Executive Order 03-15 was superceded by the passage of House Bill 978 which became law on August 28, 2004.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by the virtue of the powers vested in me through the constitution and the laws of the State of Missouri, do hereby rescind Executive Order 03-15.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 21th day of October, 2004.

A handwritten signature in cursive script that reads "Bob Holden".

**Bob Holden
Governor**

ATTEST:

A handwritten signature in cursive script that reads "Matt Blunt".

**Matt Blunt
Secretary of State**

**EXECUTIVE ORDER
04-25**

WHEREAS, Executive Order 03-27 was issued on December 2, 2003; and

WHEREAS, Executive Order 03-27 was superceded by the passage of Senate Bill 1249 which became law on August 28, 2004.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by the virtue of the powers vested in me through the constitution and the laws of the State of Missouri, do hereby rescind Executive Order 03-27.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 21st day of October, 2004.

**Bob Holden
Governor**

ATTEST:

**Matt Blunt
Secretary of State**

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 3—Wildlife Code: Monetary Values of Fish
and Wildlife**

PROPOSED AMENDMENT

3 CSR 10-3.010 Monetary Values Established for Fish and Wildlife. The commission proposes to amend section (1) and change the title of the chapter and rule.

PURPOSE: *This amendment updates the monetary values of fish and adds values of mussels as a standard for evaluating losses resulting from fish and mussel kills.*

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporat-*

ed by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

Monetary values set out in the [1992] publication of the American Fisheries Society entitled *Investigation and Valuation of Fish and Freshwater Mussel Kills* (AFS Special Publication [#24] #30, 2003) are adopted by the Conservation Commission as the standard for evaluating [losses] **replacement costs of fish and mussels** resulting from [fish] kills. **This publication is incorporated by reference, as published by the American Fisheries Society, 5410 Grosvenor Lane, Bethesda, MD 20814. This rule does not incorporate any subsequent amendments or additions.**

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 2, 1974, effective Aug. 13, 1974. Amended: Filed July 13, 1976, effective Oct. 11, 1976. Amended: Filed June 25, 1979, effective Oct. 11, 1979. Amended: Filed Aug. 3, 1984, effective Jan. 1, 1985. Amended: Filed April 21, 1993, effective Jan. 1, 1994. Amended: Filed Sept. 29, 2004.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

PROPOSED AMENDMENT

3 CSR 10-4.110 General Prohibition; Applications. The commission proposes to add a new section (9).

PURPOSE: *This amendment adds a new section (9) to prevent the irresponsible release of transgenic organisms into the wild.*

(9) The release of transgenic fish or wildlife into the wild is prohibited without written authorization of the director. Transgenic fish or wildlife may be possessed and used only as authorized by 3 CSR 10-9.110.

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

PROPOSED AMENDMENT

3 CSR 10-4.111 Endangered Species. The commission proposes to amend subsection (3)(C).

PURPOSE: This amendment adds the word rattlesnake after massasauga for clarity.

(3) For the purpose of this rule, endangered species of wildlife and plants shall include the following native species designated as endangered in Missouri:

(C) Reptiles: western chicken turtle, Blanding's turtle, Illinois mud turtle, yellow mud turtle, western fox snake, Mississippi green water snake, massasauga **rattlesnake**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

PROPOSED AMENDMENT

3 CSR 10- 4.113 Ginseng. The commission proposes to amend section (1).

PURPOSE: This amendment will prohibit the harvest of fruit-bearing ginseng plants with fewer than three (3) leaves and improve our compliance with federal regulations that prohibit export of plants less than five (5) years of age.

(1) Wild ginseng (*Panax quinquefolium*) may be harvested from September 1 through December 31. Wild ginseng plants or roots harvested must possess three (3) or more true leaves (prongs) *[or flowering/fruitlet stalks]*. The entire stalk, minus the mature fruits, shall be kept with the plants until they are taken to the harvester's home or place of business. When harvesting wild ginseng, harvesters shall plant all seeds from harvested plants within one hundred feet (100') of the parent plants. Plants or roots of wild ginseng taken in

Missouri, or acquired from outside the state, may be purchased, sold, transported or exported only from September 1 through March 15; provided, certified roots may be possessed, purchased, sold, transported or exported throughout the year in accordance with this rule.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 29, 1983, effective Jan. 1, 1984. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.205 Permits Required; Exceptions. The commission proposes to change subsection (1)(F).

PURPOSE: This amendment changes wording for clarity.

(1) Any person who chases, pursues, takes, transports, ships, buys, sells, possesses or uses wildlife in any manner must first obtain the prescribed hunting, fishing, trapping or other permit, or be exempted under 3 CSR 10-9.110, with the following exceptions:

(F) Any person at least six (6) but not older than fifteen (15) years of age may purchase a Youth Deer and Turkey Hunting Permit without display of a hunter education certificate card, and may take one (1) deer of either sex statewide, during the firearms deer hunting seasons except that only an antlerless deer may be taken in seasons open only to antlerless deer; one (1) male turkey or turkey with visible beard during the spring turkey hunting season; and one (1) turkey of either sex during the fall firearms turkey hunting season; provided, s/he is hunting in the immediate presence of a properly licensed adult hunter who has in his/her possession a valid hunter education certificate card, or who are hunting in the immediate presence of a resident landowner as defined in this Code on lands owned by the resident landowner, provided the resident landowner was born before January 1, 1967. Youth Deer and Turkey Hunting Permit holders, **who** attain[ing] the age of eleven (11) during the prescribed permit year[,] and *[who]* have a valid hunter education certificate card, may surrender unused portion(s) of the Youth Deer and Turkey Hunting Permit and purchase other firearms deer and turkey hunting permits. Deer and turkeys taken under the Youth Deer and Turkey Hunting Permit must be included in the total season limits.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable. The commission proposes to amend section (3).

PURPOSE: This amendment changes wording for consistency.

(3) The acceptance of a permit or privilege or method exemption shall constitute an acknowledgement of the duty to comply with the provisions of [the Wildlife] this Code and to pursue wildlife in a safe manner, and all permits and privileges are conditioned upon such compliance.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.225 Permits: Permit Issuing Agents; Service Fees; Other Provisions. The commission proposes to amend section (6).

PURPOSE: This amendment provides consistency in wording with other rules to describe the age of persons not older than fifteen (15) years of age.

(6) Firearms hunting permits may not be sold to any persons born on or after January 1, 1967, unless an approved hunter education certificate card is displayed, or hunter education certification can be verified through direct access to computer data files; except that

Youth Deer and Turkey Hunting Permits may be sold to persons at least six (6) [and under sixteen (16)] but not older than fifteen (15) years of age without requiring display of a hunter education certificate card.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Aug. 26, 1975, effective Dec. 31, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.430 Trout Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment removes descriptions of designated areas requiring a trout permit for fishing.

Required in addition to the prescribed fishing permit to possess and transport trout, except in areas where a daily trout fishing tag is required. Required in addition to the prescribed fishing permit for trout fishing at Maramec Spring Trout Park, Bennett Spring State Park, Montauk State Park and Roaring River State Park from 8:00 a.m. to 4:00 p.m. on Fridays, Saturdays and Sundays from the second Friday in November through the second Sunday in February. (In the four trout parks, during the winter catch-and-release season specified above, all fish must be released to the water unharmed immediately after being caught, and no fish may be possessed.) or as prescribed in 3 CSR 10-6.535(5). Fee: seven dollars (\$7).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.237. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be

received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.565 Nonresident Turkey Hunting Permits. The commission proposes to amend section (1).

PURPOSE: This amendment deletes a word for consistency.

(1) To pursue, take, possess and transport wild turkey during the prescribed *[open]* season.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.267. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.579 Nonresident Landowner Firearms Turkey Hunting Permits. The commission proposes to amend section (1).

PURPOSE: This amendment deletes a word for consistency.

(1) To pursue, take, possess and transport wild turkey from qualifying land during the prescribed *[open]* season, by nonresident landowners as defined in this Code.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be

received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.410 Fishing Methods. The commission proposes to amend section (13).

PURPOSE: This amendment changes wording to clarify the meaning of the rule.

(13) Endangered species and fish included in 3 CSR 10-6.505 through 3 CSR 10-6.545, **including** their parts *[or]* **and** eggs, may not be used for bait.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.415 Restricted Zones. The commission proposes to amend sections (2)–(5).

PURPOSE: This amendment corrects the name of Little Piney Creek; adds gigging restrictions to Barren Fork Creek, Blue Springs Creek, Crane Creek, Mill Creek and Spring Creek; extends the gigging restriction downstream 2.7 miles on North Fork of White River; removes the gigging restriction from a section of Roubidoux Creek; and, changes wording and punctuation for consistency.

(2) Fish may be taken only by pole and line from:

(A) Blue Springs Lake, except that shad **also** may be taken by dip net *[or]* **and** throw net.

(D) Longview Lake, except that shad **also** may be taken by dip net and throw net.

(3) Fish may be taken by all prescribed methods except trotlines, throwlines and limb lines from:

(C) Osage River/Lake of the Ozarks from the no-fishing zone below Truman Dam to U.S. Highway 65. Snagging, snaring, grabbing and use of jug lines are also excluded in this zone.

(4) Fish may be taken by all prescribed methods except gig, cross-bow and longbow on the following waters and as further restricted in subsections (5)(A), (B), (C), (D), (F), (H), (J), (K) and [(L)] (M) of this rule. Fish taken by gig, crossbow and longbow may not be possessed on these waters or the banks thereof.

(A) **Barren Fork Creek in Shannon County from County Road A-D to its confluence with Sinking Creek.**

(B) **Blue Springs Creek in Crawford County from Blue Springs to its confluence with Meramec River.**

(C) **Crane Creek in Stone and Lawrence counties upstream from Quail Spur Crossing on Stone County Road 13-195.**

[(A)](D) **Current River from Montauk State Park to Cedar Grove.**

[(B)](E) **Eleven Point River from its confluence with Greer Spring Branch to Turner Mill.**

[(C)](F) **Little Piney Creek from the Phelps County line in Sections 9 and 16 of T35N, R8W, including Piney Spring Branch and Lane Spring Branch, to Milldam Hollow Access.**

(G) **Mill Creek in Phelps County from Yelton Spring to its confluence with Little Piney Creek including Wilkins Spring and spring branch.**

[(D)](H) **North Fork of White River in Ozark County from the upper outlet of Rainbow Spring to [Blair] Patrick Bridge.**

[(E)] **Roubidoux Creek from the elevated utility cable crossing approximately one-half (1/2) mile below the Business I-44 bridge in Waynesville to its confluence with the Gasconade River.]**

(I) **Spring Creek in Phelps County from Relfe Spring to its confluence with Big Piney River.**

(5) Fish may be taken by all prescribed methods except that only flies and artificial lures may be used when fishing, and soft plastic baits and natural and scented baits are specifically prohibited in:

(B) **Blue Springs Creek in Crawford County from Blue Springs to its confluence with Meramec River.**

(J) **Mill Creek in Phelps County from Yelton Spring to its confluence with Little Piney [River] Creek including Wilkins Spring and spring branch.**

(K) **North Fork of White River in Ozark County from the upper outlet of Rainbow Spring to [Blair] Patrick Bridge.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.510 Channel Catfish, Blue Catfish, Flathead Catfish. The commission proposes to amend subsections (1)(A) and (4)(A).

PURPOSE: This amendment adds hyphens for consistency.

(1) **Daily Limit:** Ten (10) channel catfish and blue catfish in the aggregate and five (5) flathead catfish, except:

(A) From the no-fishing zone below Truman Dam downstream throughout the no-boating zone, the daily limit of channel catfish, blue catfish and flathead catfish is four (4) in the aggregate.

(4) **Length Limits:** No length limits, except:

(A) From the no-fishing zone below Truman Dam downstream throughout the no-boating zone, the daily limit of channel catfish, blue catfish and flathead catfish may include only one (1) fish more than twenty-four inches (24") in total length.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.525 Paddlefish. The commission proposes to amend section (4).

PURPOSE: This amendment identifies the more restrictive length limit for paddlefish at the beginning of the rule, for public convenience and understanding.

(4) **Length Limits:** All paddlefish less than twenty-four inches (24") in body length, measured from the eye to the fork of the tail, must be returned to the water unharmed immediately after being caught[,], except:

(A) On Lake of the Ozarks and its tributaries, Table Rock Lake and its tributaries and Truman Lake and its tributaries, all paddlefish less than thirty-four inches (34") in body length, measured from the eye to the fork of the tail, must be returned to the water unharmed immediately after being caught.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3 —DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.533 Shovelnose Sturgeon. The commission proposes to amend section (1).

PURPOSE: *This amendment prohibits the take of shovelnose sturgeon from a portion of the Missouri River.*

(1) Daily Limit: Ten (10), **except on the Missouri River downstream from Carl R. Noren Access to Chamois Access where all shovelnose sturgeon must be returned to the water unharmed immediately after being caught.**

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Dec. 30, 2003, effective July 1, 2004. Amended: Filed Sept. 29, 2004.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.535 Trout. The commission proposes to amend sections (1), (2), (4) and (5).

PURPOSE: *This amendment reduces the statewide daily limit for trout; changes the daily limit for trout in some streams; removes reference to amended portions of the Wildlife Code; establishes a statewide length limit on brown trout in streams; alters length limits on trout in some streams; and, expands the requirement of the trout permit for fishing in designated areas.*

(1) Daily Limit: *[Five (5)]* **Four (4)** trout in the aggregate, except:
[(A) All trout must be released unharmed immediately after being caught from Barren Fork Creek in Shannon County from County Road A-D to its confluence with Sinking Creek and Crane Creek in Stone and Lawrence counties upstream from Quail Spur Crossing on Stone County Road 13-195.]

[(B)](A) On Lake Taneycomo and its tributaries *[and on the Niangua River and its tributaries,]* only one (1) brown trout may be included in the aggregate daily limit of trout.

[(C)](B) The daily limit is one (1) trout in: **Barren Fork Creek in Shannon County from County Road A-D to its confluence with Sinking Creek;** Blue Springs Creek in Crawford County from Blue Springs to its confluence with Meramec River; **Crane Creek in Stone and Lawrence counties upstream from Quail Spur Crossing on Stone County Road 13-195;** **Current River and its tributaries from Montauk State Park to Cedar Grove;** Eleven Point River in Oregon County from its confluence with Greer Spring Branch to Turner Mill; Little Piney Creek from the Phelps County line in Sections 9 and 16 of T35N, R8W, including Piney Spring Branch and Lane Spring Branch, to Milldam Hollow Access; Spring Creek in Phelps County from Relfe Spring to its confluence with Big Piney River; Mill Creek in Phelps County from Yelton Spring to its confluence with Little Piney Creek including Wilkins Spring and spring branch; and the North Fork of White River in Ozark County from the upper outlet of Rainbow Spring to *[Blair]* **Patrick Bridge.**

[(D)](C) The daily limit is *[three (3)]* **two (2)** trout in: Meramec River and its tributaries, except Meramec Spring Branch, in Crawford and Phelps counties from Highway 8 bridge to Scott's Ford; the unimpounded portion of the North Fork of White River and its tributaries in Ozark County from *[Blair]* **Patrick Bridge** to Norfork Lake; *[Current River and its tributaries from Montauk State Park to Cedar Grove;]* and Roubidoux Creek from the elevated utility cable crossing approximately one-half (1/2) mile below the Business I-44 bridge in Waynesville to its confluence with the Gasconade River.

(2) Methods: Pole and line, trotline, throwline, limb line, bank line, jug line and falconry, except as further restricted in this rule.

(A) Only flies and artificial lures may be used when fishing on the waters listed in subsections *[(1)(A) and]* (4)(C) and (E) of this rule, and on the Meramec River in Crawford and Phelps counties from Highway 8 bridge to Scott's Ford, on Dry Fork Creek in Crawford and Phelps counties from the elevated cable crossing to its confluence with the Meramec River, on the Current River from Montauk State Park to Cedar Grove, and on Roubidoux Creek from the elevated utility cable crossing approximately one-half (1/2) mile below the Business I-44 bridge in Waynesville to its confluence with the Gasconade River. Soft plastic baits and natural and scented baits are specifically prohibited.

(4) Length Limits: No length limits, except:

(A) **All brown trout less than fifteen inches (15") in total length must be released unharmed immediately after being caught from the unimpounded portion of any stream except as further restricted in subsections (4)(B) and (C) of this rule.**

[(A)](B) All brown trout less than twenty inches (20") in total length must be released unharmed immediately after being caught from Lake Taneycomo and its tributaries.

[(B) All brown trout less than eighteen inches (18") in total length must be released unharmed immediately after being caught from the Niangua River and its tributaries.]

(C) All **brown trout and all rainbow trout** less than eighteen inches (18") in total length must be released unharmed immediately after being caught from **Barren Fork Creek in Shannon County from County Road A-D to its confluence with Sinking Creek;** Blue Springs Creek in Crawford County from Blue Springs to its confluence with Meramec River; **Crane Creek in Stone and Lawrence counties upstream from Quail Spur Crossing on Stone County Road 13-195;** **Current River and its tributaries from Montauk State Park to Cedar Grove;** Eleven Point River in Oregon County from its confluence with Greer Spring Branch to Turner Mill; Little Piney Creek from the Phelps County line in Sections 9 and 16 of T35N, R8W, including Piney Spring Branch and Lane Spring Branch, to Milldam Hollow Access; Spring Creek in Phelps

County from Relfe Spring to its confluence with Big Piney River; Mill Creek in Phelps County from Yelton Spring to its confluence with Little Piney Creek including Wilkins Spring and spring branch; and North Fork of White River in Ozark County from the upper outlet of Rainbow Spring to [Blair] Patrick Bridge.

(D) All **rainbow** trout less than fifteen inches (15") in total length must be released unharmed immediately after being caught on the Meramec River and its tributaries in Crawford and Phelps counties from Highway 8 bridge to Scott's Ford, except Meramec Spring Branch; on the unimpounded portion of the North Fork of White River and its tributaries in Ozark County from [Blair] Patrick Bridge to Norfork Lake; [on the Current River and its tributaries from Montauk State Park to Cedar Grove;] and on the Roubidoux Creek from the elevated utility cable crossing approximately one-half (1/2) mile below the Business I-44 bridge in Waynesville to its confluence with the Gasconade River.

(5) Permits: A trout permit, in addition to the prescribed fishing permit, is required to possess and transport trout except in areas where a daily fishing tag is required. **A trout permit is required in addition to the prescribed fishing permit for fishing at:**

(A) **Maramec Spring Trout Park, Bennett Spring State Park, Montauk State Park and Roaring River State Park from 8:00 a.m. to 4:00 p.m. on Fridays, Saturdays and Sundays from the second Friday in November through the second Sunday in February.**

(B) **Stone Mill Spring Branch in Pulaski County from November 1 through February 28.**

(C) **Lake Taneycomo from the closed fishing zone seven hundred sixty feet (760') below Table Rock Dam downstream to the Highway 65 bridge.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.605 Live Bait. The commission proposes to amend section (1).

PURPOSE: This amendment ensures appropriate conservation measures for amphibians by restricting the species and number that can be taken and used as live bait.

(1) Daily Limit: In the aggregate, one hundred fifty (150) crayfish, freshwater shrimp, [frogs (except bullfrogs and green frogs), tiger salamander larvae] and those species of fish not defined as

game fish in 3 CSR 10-20.805[.]; and **five (5) each of the following amphibians: southern leopard frog, plains leopard frog, and cricket frog.** [except that b/Bighead carp, common carp, goldfish, grass carp and silver carp may be taken and possessed in any number.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.610 Mussels and Clams. The commission proposes to amend section (1).

PURPOSE: This amendment clarifies the meaning of the rule and makes it consistent with other rules.

(1) Daily Limit: Five (5) in the aggregate. Limits apply to live [or] and dead animals. Two (2) shell halves (valves) shall be considered one (1) mussel or clam. Asiatic clams may be taken and possessed in any number.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.615 Bullfrogs and Green Frogs. The commission proposes to add a new section (4).

PURPOSE: This amendment allows bullfrogs and green frogs to be used as bait if taken under season limits and methods.

(4) Bullfrogs and green frogs taken and possessed under this rule may be used as bait.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed April 24, 2000, effective March 1, 2001. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.410 Hunting Methods. The commission proposes to amend subsections (1)(D), (E), (G) and (J).

PURPOSE: This amendment changes formatting to add clarity to the rule.

(1) Wildlife may be hunted and taken only in accordance with the following:

(D) Dogs. Dogs may be used during the prescribed open seasons to chase, pursue or take wildlife (except deer, turkey, mink, muskrat, beaver and river otter). All dogs used to hunt, chase or pursue wildlife shall wear a collar while hunting that contains the full name and address or complete telephone number of the owner, except this provision does not apply to dogs used by waterfowl and game bird hunters. Furbearers, squirrels and rabbits may not be chased, pursued or taken with dogs during daylight hours of the November portion of the firearms deer season in Bollinger, Butler, Carter, Dent, Iron, Madison, Oregon, Reynolds, Ripley, Shannon and Wayne counties.

(E) Dogs (Training). For training dogs, wildlife[,/] (except deer, turkey, mink, muskrat, river otter and beaver)[,/] may be chased, but not captured or killed. No person, acting singly or as one (1) of a group, may possess or use a firearm while training dogs during the closed seasons, except that a pistol with blank ammunition may be used during daylight hours only. Training dogs shall include any act of allowing dogs to chase wildlife or to teach dogs to hunt wildlife.

(G) Firearms. Firearms may be used to take wildlife (except beaver, mink, muskrat, river otter, turtles and fish)[,/] during the open seasons, with the following limitations: For hunting game birds (except the crow), pistols, revolvers and rifles may not be used. Except for hunting deer, any shotgun having a capacity of more than

three (3) shells must have the magazine cut off or plugged with a device incapable of removal through the loading end, so as to reduce the capacity to not more than three (3) shells in magazine and chamber combined. Fully automatic firearms are prohibited.

(J) Slingshot. Slingshots may be used to take wildlife (except deer and turkey/s/) during the prescribed hunting seasons.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.427 Groundhogs: Seasons, Limits. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment reconciles this rule with 3 CSR 10-10.768 Sales and Possession of Wildlife Parts and Mounted Specimens, which was liberalized to allow the year-round sale of legally obtained groundhog pelts.

Groundhogs (woodchucks) may be taken, possessed and sold in any numbers from the day following the prescribed spring turkey hunting season through December 15. **Groundhog pelts may be possessed and sold throughout the year in accordance with 3 CSR 10-10.768.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 23, 1970, effective Dec. 31, 1970. Amended: Filed July 5, 1984, effective Jan. 1, 1985. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-7.431 Deer Hunting Seasons: General Provisions. The commission proposes to amend sections (1) and (2).

PURPOSE: This amendment changes reference to the Wildlife Code for consistency.

(1) The annual *Fall Deer & Turkey Hunting Regulations and Information* booklet is hereby adopted as a part of this [Wildlife] Code and by this reference herein incorporated. A printed copy of this booklet can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and is on-line at www.missouriconservation.org.

(2) Deer shall mean white-tailed deer and mule deer. Antlered deer shall mean deer with at least one (1) antler at least three inches (3") long, except as provided in 3 CSR 10-7.435. Deer may be pursued, taken, killed, possessed or transported only as permitted in [the Wildlife] this Code.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed, April 29, 2004 effective May 15, 2004. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits. The commission proposes to amend subsections (1)(A) and (D) and section (5).

PURPOSE: This amendment changes wording to make it consistent with other rules.

(1) Turkeys may be pursued, taken, killed, possessed or transported only as permitted in this rule.

(A) Spring Season. Spring season annually will begin on the Monday closest to April 21. A person possessing the prescribed turkey hunting permit may take turkeys according to the season length and bag limit established annually by the Conservation Commission; except that a person at least six (6) [and under sixteen (16)] but not older than fifteen (15) years of age who possesses a Youth Deer and Turkey Hunting Permit may take only one (1) male turkey or turkey with visible beard during the season.

Turkeys may be taken only by shotgun with shot no larger than No. 4, or longbow, without the use of dogs, bait, recorded calls or live decoys, from one-half (1/2) hour before sunrise to 1:00 p.m. Central Daylight Time (CDT). Possession of shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys.

(D) Youth Spring Season. The two (2)-day [Y/youth /S/spring /S/season] will begin annually on the Saturday nine (9) days prior to the Monday opening of the [S/spring /S/season]. A Missouri resident possessing a Youth Deer and Turkey Hunting Permit or the prescribed turkey hunting permit and who is at least six (6) [and under sixteen (16)] but not older than fifteen (15) years of age on the opening day of the [Y/youth /S/spring /S/season] may take only one (1) male turkey or turkey with visible beard during the [Y/youth /S/spring /S/season]. A turkey harvested during the [Y/youth /S/spring /S/season] will count towards an individual's [S/spring /S/season] bag limit; individuals hunting under the prescribed turkey hunting permit may not harvest a second bird during the first week of the [S/spring /S/season]. Turkeys may be taken only by shotgun with shot no larger than No. 4, or longbow, without the use of dogs, bait, recorded calls or live decoys, from one-half (1/2) hour before sunrise to 1:00 p.m. Central Daylight Time (CDT). Possession of shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys.

(5) A resident landowner or lessee as defined in 3 CSR 10-20.805, possessing a landowner turkey hunting permit, may take and possess turkey in accordance with this rule on his/her land or, in the case of the lessee, on the [farm] land on which s/he resides and shall personally deliver the turkey for checking or use the Telecheck Harvest Reporting System as required in this rule.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Dec. 15, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods

PROPOSED AMENDMENT

3 CSR 10-8.510 Use of Traps. The commission proposes to amend section (2).

PURPOSE: This amendment clarifies when traps must be checked.

(2) Traps, snares and cable restraint devices shall be plainly labeled, on durable material, with the user's full name and address. [Wildlife shall be removed or released from all restraining traps and cable restraint devices daily.] Killer (Conibear-type) traps set under water and colony traps set under water shall be attended and wildlife removed at least once every forty-eight (48) hours. **All other traps, snares and cable restraint devices must be attended daily**

and wildlife removed or released. Traps may not be set in paths made or used by persons or domestic animals and Conibear-type traps may not be set along public roadways, except under water in permanent waters. Except as provided in 3 CSR 10-4.130, only cage-type traps or foot-enclosing-type traps may be set within one hundred fifty feet (150') of any resident or occupied building located within the established boundaries of cities or towns containing ten thousand (10,000) or more inhabitants. Homes, dens or nests of furbearers shall not be molested or destroyed. Traps may be used in conjunction with electronic calls.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 20, 1957, effective Dec. 31, 1957. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods
PROPOSED AMENDMENT**

3 CSR 10-8.515 Furbearers: Trapping Seasons. The commission proposes to amend sections (3), (5) and (8).

PURPOSE: This amendment deletes redundancy and makes language uniform with other parts of the Wildlife Code.

(3) Except in Otter Management Zone E, killer or Conibear-type traps with a jaw spread less than eight inches (8") and foot-hold traps with an inside width at the jaw post less than six inches (6") are prohibited in water sets after February 15. In Otter Management Zone E, killer or Conibear-type traps with a jaw spread less than eight inches (8") and foot-hold traps with an inside width at the jaw post less than six inches (6") are prohibited for trapping beavers after February 20. Traps may not be placed or set before November 15 and must be removed by midnight of the last day of the trapping season.

(5) Rabbits may be taken by trap from November 20 [to] through January 20 within prescribed hunting limits, but carcasses may not be sold.

(8) Furbearers may be taken by trapping through the use of cable restraint devices from December 15 through February 15, by holders of a Cable Restraint Permit. This permit may be issued only to the holder of a Resident Trapping Permit who has successfully completed a cable restraint training course, validated by a certified instructor. *[Cable restraint devices (as defined in 3 CSR 10-20.805) must have a loop size of twelve inches (12") diameter or smaller when set, and the bottom of set restraint cable loop must be at least six inches (6") or greater above the ground. Cable restraint devices must be anchored solid or staked in a location not allowing entanglement (such as*

rooted, woody vegetation greater than one-half inch (1/2") in diameter), and shall not be capable of extending to within twelve inches (12") of a fence, nor shall be set using a drag, or used with a kill-pole. Cable restraint devices may not be used within one hundred fifty feet (150') of any dwelling or a driveway leading to a dwelling. All cable restraint devices shall be plainly labeled, on durable material, with the user's full name and address and shall be attended daily.] Cable restraint devices must be used according to 3 CSR 10-8.510.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 23, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards
PROPOSED AMENDMENT**

PROPOSED AMENDMENT

3 CSR 10-9.105 General Provisions. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment changes reference to the Wildlife Code for consistency.

Any person holding wildlife in captivity in any manner shall have in his/her possession the prescribed permit or evidence of exemption. Renewal of permits is conditioned on compliance with provisions of *[the Wildlife] this Code.*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 9, 1993, effective Jan. 1, 1994. Amended: Filed April 25, 1996, effective March 1, 1997. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.220 Wildlife Confinement Standards. The commission proposes to amend section (2).

PURPOSE: This amendment replaces the term “woodchuck” with the common name of “groundhog.”

(2) Cages, pens or other enclosures for Class I wildlife shall meet the following standards:

Species	Enclosure Space (sq. ft.)	Space Per Each Additional Animal (sq. ft.)	Enclosure Height (ft.)
(I) Groundhog	12	3	5
[(I)] (J) Mink	9	3	2
[(J)] (K) Muskrat	12	5	3
[(K)] (L) Nine-Banded Armadillo	12	4	2
[(L)] (M) Otter	36	6	4
[(M)] (N) Raccoon	24	6	5
[(N)] (O) Red Fox	40	8	5
[(O)] (P) Virginia Opossum	12	3	3
[(P)] (Q) Weasel	9	3	2
[(Q)] (R) White-Tailed Deer	500	125	8
[(R)] Woodchuck	12	3	5]

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-3.020. Original rule filed Nov. 2, 1984, effective Feb. 11, 1985. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.240 Class II Wildlife. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment makes the language in this rule more consistent with common usage.

Class II wildlife shall include copperheads [snakes], cottonmouths [snakes], timber rattlesnakes, pygmy rattlesnakes, massasauga rat-

tlesnakes, mountain lions or mountain lion-hybrids, wolves or wolf-hybrids and black bears or black bear-hybrids.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 6, 1993, effective Jan. 31, 1994. Amended: Filed June 5, 1996, effective Dec. 30, 1996. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.425 Wildlife Collector’s Permit. The commission proposes to amend sections (2) and (3).

PURPOSE: This amendment adds a word for clarity and changes reference to the Wildlife Code for consistency.

(2) General Requirements for Permit Holders. Species and numbers of each to be collected and collecting methods are limited to those specified on the permit. Advance notification shall be given to the conservation agent or regional supervisor in the county or area as to where and when the collecting will be done. The permit holder’s name, address and wildlife collector’s permit number shall be on all trapping and netting devices. The traps, nets or other devices used under this permit shall be attended at least daily, or be constantly attended if so stated on the permit. The collected specimens shall be donated to a museum or educational institution or disposed of in accordance with instructions of the director. Wildlife held under a wildlife collector’s permit may be propagated but shall not be sold or exhibited commercially. When holding live specimens, permit holders are required to adhere to wildlife confinement standards set forth in 3 CSR 10-9.220. The names and addresses of persons collecting under the direct supervision of the holder of the permit shall accompany the application for the permit. Field collection must be conducted under the in-person supervision of the permit holder. This permit does not relieve the holder of full compliance with other provisions of the Code or other state and federal requirements.

(3) The wildlife collector’s permit is not valid until signed by the permit holder. The permit is valid for one (1) year from January 1. The permit holder shall submit a wildlife collector’s permit report to the department within thirty (30) days of the permit’s expiration date. Issuance of permits for the following year shall be conditioned on compliance with [Wildlife Code rules and regulations] **this Code**, specified conditions of the permit and receipt of a satisfactory wildlife collector’s permit report. Department volunteers, working on authorized wildlife collection projects, are exempt from the requirements of this section.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-9.605. Original rule filed Aug. 16,

1973, effective Dec. 31, 1973. Amended: Filed Aug. 4, 1978, effective Jan. 1, 1979. Changed to 3 CSR 10-9.425, filed March 24, 1993 and May 13, 1993, effective Jan. 1, 1994. Amended: Filed May 9, 2002, effective Jan. 1, 2003. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.440 Resident Falconry Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment corrects wording.

To take, and possess alive, birds of prey and to use birds of prey to take other wildlife. Fee: sixty dollars (\$60). This permit[s] shall remain valid for three (3) years from date of issuance.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.295. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. Amended: Filed Aug. 3, 1984, effective Jan. 1, 1985. Changed to 3 CSR 10-9.440, effective Jan. 1, 1994. Amended: Filed April 25, 1996, effective March 1, 1997. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.566 Licensed Hunting Preserve: Records Required. The commission proposes to amend sections (1) and (2).

PURPOSE: This amendment changes wording to make the language consistent throughout the rule.

(1) Big game hunting preserve permittees shall keep a *[current]* **permanent** record, by date, of the number of each species held, acquired, propagated, sold, released, the number of each species taken on the preserve and the full name, address, and permit number (if applicable) of each buyer, seller, shooter and/or taker, on forms provided by the department.

(2) Game bird hunting preserve permittees shall keep a *[n accurate]* permanent record of the number of each species acquired, propagated, sold, released, the number of each species taken and the full name and address of the taker.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Emergency rule filed March 11, 2002, effective March 21, 2002, expired Sept. 16, 2002. Original rule filed March 11, 2002, effective July 30, 2002. Amended: Filed Aug. 30, 2002, effective March 1, 2003. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.570 Hound Running Area Operator and Dealer Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment rearranges wording for clarity.

To maintain and operate a hound running area and to purchase, transport, propagate, hold in captivity and sell to or release **legally acquired foxes and coyotes** into a permitted hound running area *[legally acquired foxes and coyotes]*. Fee: fifty dollars (\$50).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 29, 1994, effective July 1, 1995. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180,

Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.575 Hound Running Area: Privileges, Requirements. The commission proposes to amend sections (2), (3) and (6).

PURPOSE: This amendment requires new hound running areas to be at least forty (40) acres in size; allows operators to hold foxes and coyotes in temporary confinement facilities on the hound running area or another location listed on the permit; and restores permit exemptions that were inadvertently omitted.

(2) A hound running area shall be a single body of land as specified on the permit, fenced to enclose and contain all released foxes and coyotes and to exclude all others, and posted with signs provided by the department. **New areas approved after March 1, 2005 must be at least forty (40) acres in size.** A minimum of one (1) dog-proof escape area (culvert, brush pile, fenced refuge or other suitable structure) shall be provided per each twenty-five (25) acres, and be available for use by foxes and coyotes any time dogs are present on the area. Escape areas shall not be located immediately adjacent to each other.

(3) The holder of a Hound Running Area Operator and Dealer Permit may obtain live foxes and coyotes from a holder of a valid trapping permit as prescribed in 3 CSR 10-8.515(7). Permittees may also purchase foxes and coyotes from a holder of a Class I Wildlife Breeder Permit or a holder of a Hound Running Area Operator and Dealer Permit. **Foxes and coyotes may be held in temporary confinement facilities on the hound running area or another location specified on the permit.** These foxes and coyotes may only be released into a permitted hound running area and must be individually marked with ear tags provided by the department for which the permittee shall pay fifty cents (50¢) per tag. These animals may not be given away, released to the wild or exported, except with written authorization of the director.

(6) Any person releasing dogs on a hound running area shall have in his/her possession a valid **Missouri** small game hunting permit[,], **except that Missouri residents fifteen (15) years of age and under and sixty-five (65) years of age and over are exempt from this requirement.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 29, 1994, effective July 1, 1995. Amended: Filed June 11, 1997, effective March 1, 1998. Amended: Filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180,

Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.625 Field Trial Permit. The commission proposes to amend sections (1) and (6).

PURPOSE: This amendment changes wording for clarity.

(1) To conduct a field trial on lands other than those owned or leased by the department, application for a permit must be made to the department by a resident, and postmarked not less than ten (10) days prior to the trial. The application shall specify location of trial headquarters in Missouri, area where the trial will be held, type of wildlife to be chased or pursued, approximate number of hunters, approximate number of dogs and starting and closing dates[, extending through]. **A single trial permit shall not cover** a period of [not] more than ten (10) consecutive days [for any single trial permit]. Fee: twenty dollars (\$20).

(6) Designated [gunners] shooters, under the field trial permit, may shoot only **legally obtained** quail, pheasants, chukars and mallard ducks [legally obtained]. Quail, pheasants and chukars shall be marked with a permanent avian leg band prior to release. Mallard ducks shall be marked with a permanent avian leg band, removal of the hind toe from the right foot, or tattooing of a readily discernible number or letter or combination on the web of one foot.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.705 Commercialization. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment changes reference to the Wildlife Code for consistency.

Wildlife may be bought, sold, offered for sale, exchanged, transported or delivered only under the conditions of the prescribed permit, or as otherwise provided in this chapter. No affidavit, receipt or other document may be issued or used in lieu of the required permit. Any permit issued or obtained by false statement or through fraud, or while permits are revoked or denied by the commission, shall be invalid. Renewal of permits is conditioned on compliance with provisions of *[the Wildlife] this Code*.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 18, 1970, effective Dec. 31, 1970. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.725 Commercial Fishing: Seasons, Methods. The commission proposes to amend sections (5), (6) and (7).

PURPOSE: This amendment lists species for clarity.

(5) From November 1 through May 15 on the Missouri River downstream from U.S. Highway 169 to Carl R. Noren Access and downstream from Chamois Access to its confluence with the Mississippi River or banks thereof, *[shovelnose sturgeon less than twenty-four inches (24") and more than thirty inches (30") in length (measured from tip of snout to fork of tail) and other game fish (including channel, blue and flathead catfish and paddlefish)] the following* may not be possessed or transported while fishing by commercial methods or while possessing commercial fishing gear and shall be returned to the water unharmed immediately after being caught./:

(A) Game fish (including channel, blue and flathead catfish and paddlefish).

(B) Shovelnose sturgeon less than twenty-four inches (24") and more than thirty inches (30") in length (measured from tip of snout to fork of tail).

(6) On that part of the St. Francis River which forms the boundary between the states of Arkansas and Missouri, *[channel, blue and flathead catfish less than fifteen inches (15") in total length and other game fish (including paddlefish and shovelnose sturgeon)] the following* may not be possessed or transported while fishing by commercial methods or while possessing commercial fishing gear and shall be returned to the water unharmed immediately after being caught./:

(A) Channel, blue and flathead catfish less than fifteen inches (15") in total length.

(B) Other game fish (including paddlefish and shovelnose sturgeon).

(7) On the Mississippi River, except in Sand Chute below the mouth of Salt River in Pike County, and also on waters which exist temporarily through overflow from the Mississippi River east of the Missouri Pacific Railroad between Cape Girardeau and Scott City and east of the Mississippi River mainline and setback levees between Commerce and the Arkansas state line, *[channel, blue and flathead catfish less than fifteen inches (15") in total length, paddlefish less than twenty-four inches (24") in length (measured from eye to fork of tail), shovelnose sturgeon more than thirty inches (30") in length (measured from tip of snout to fork of tail), and other game fish] the following* may not be possessed or transported while fishing by commercial methods or while possessing commercial fishing gear and shall be returned to the water unharmed immediately after being caught./:

(A) Channel, blue and flathead catfish less than fifteen inches (15") in total length.

(B) Paddlefish less than twenty-four inches (24") in length (measured from eye to fork of tail).

(C) Shovelnose sturgeon more than thirty inches (30") in length (measured from tip of snout to fork of tail).

(D) Other game fish.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.732 Tag and Release Fishing Promotion Permit. The commission proposes to amend subsection (2)(G).

PURPOSE: This amendment changes reference to the *Wildlife Code* for consistency.

(2) A tag and release fishing promotion permit authorizes the holder to tag and release one (1) fish into an impoundment of the state, in accordance with the following:

(G) There shall be no fee, registration or other consideration beyond a valid Missouri fishing permit as required by *[the Wildlife] this Code* to enter or participate in the event.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed March 24, 2003, effective Aug. 30, 2003. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.120 Pets and Hunting Dogs. The commission proposes to amend section (2).

PURPOSE: This amendment changes reference to the Wildlife Code for consistency.

(2) Hunting dogs may be used off the leash and unconfined for hunting and for training for the purposes of chasing, locating, tracking or retrieving game as defined by [the Wildlife] this Code, on those department areas where and when hunting and dog training are permitted.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept 30, 2001. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.125 Field Trials. The commission proposes to amend section (4).

PURPOSE: This amendment makes the rule consistent with the Department of Conservation's field trial policy.

(4) Designated [gunners] shooters, under the field trial special use permit, may shoot only legally obtained quail, pheasants, chukars

and mallard ducks [legally obtained and marked with a permanent avian leg band prior to release]. Quail, pheasants and chukars shall be marked with a permanent avian leg band prior to release. Mallard ducks shall be marked with a permanent avian leg band, removal of the hind toe from the right foot, or tattooing of a readily discernible number or letter or combination on the web of one (1) foot.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.145 Tree Stands. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies use of tree stands on department areas.

Only portable tree stands are allowed and only from September [15] 1 through January 31. Unattended [S]stands must be [identified] plainly labeled on a durable material with the full name and address, or Conservation Number, of the owner and be removed from the area before February 1. Use of nails [or], screw-in steps, and any material or method that would damage the tree is prohibited.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.150 Target Shooting and Shooting Ranges. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment establishes hours of use at the department's unmanned shooting ranges.

Target shooting is permitted *[only]* on designated public shooting ranges or by special use permit. **Shooting hours on unmanned ranges are one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.** Range use shall be in accordance with posted range rules or as directed by the range officer listed on the special use permit, and is contingent upon the right to inspect permits, firearms and ammunition by an agent of the department or certified law enforcement officer. Only paper targets attached to provided target holders may be used on unmanned target shooting ranges, except that on portions of shooting ranges restricted to shotguns with shotshells, only clay targets may be used. Use of incendiary, including tracer ammunition, armor piercing or explosive ammunition is prohibited. Fully automatic firearms are permitted only with a special use permit. Range use fees are required at some areas. Possession of alcoholic beverages is prohibited on all ranges and associated parking lots. Groups of more than ten (10) people must obtain a special use permit prior to use of a range.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed June 5, 2002, effective Nov. 30, 2002. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.155 Decoys and Blinds. The commission proposes to amend subsection (1)(A).

PURPOSE: This amendment corrects punctuation.

(1) Decoys and blinds are permitted but must be disassembled and removed daily, except as otherwise provided in this chapter. Blinds may be constructed on-site only from willows (*Salicaceae*) and non-woody vegetation.

(A) On those portions of Upper Mississippi Conservation Area designated as restricted waterfowl hunting areas, blind sites shall be

designated and allotted through a system of registration and drawing established by the department. Blinds must be constructed within ten (10) yards of an assigned site before October 1 and meet department specifications. Waterfowl may be taken only from a designated blind except that hunters may retrieve dead birds and pursue and shoot downed cripples~~/,~~. This rule does not apply during the early teal season. On portions of the area designated as open, blinds may be constructed without site restrictions. Blinds or blind sites on both restricted and open portions of the area may not be locked, transferred, rented or sold. Boats shall not be left overnight at blind sites. After 6:00 a.m., unoccupied blinds may be used by the first hunter to arrive.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.186 Waterfowl Hunting. The commission proposes to amend sections (2), (3), (4), (6) and delete section (8) and renumber the remaining sections of this rule.

PURPOSE: This amendment modifies provisions for waterfowl hunting on listed department areas.

(2) Waterfowl hunting is prohibited on the following department areas:

[(D) Lone Jack Lake Conservation Area]

(3) Waterfowl hunting is prohibited after 1:00 p.m. on designated portions of the following department areas:

(L) Lone Jack Lake Conservation Area

/L/(M) Long Branch Lake Management Lands

/M/(N) Nodaway Valley Conservation Area

/N/(O) Otter Slough Conservation Area

/O/(P) James A. Reed Memorial Wildlife Area

/P/(Q) Pony Express Conservation Area

/Q/(R) Schell-Osage Conservation Area

/R/(S) Ted Shanks Conservation Area

/S/(T) Ten Mile Pond Conservation Area

/T/(U) Yellow Creek Conservation Area

(4) Waterfowl may be taken on the department areas listed below only by holders of a valid area Daily Waterfowl Hunting Tag and only from a blind or in a designated area, except that hunters may retrieve dead birds and pursue and shoot downed cripples outside the designated area. Waterfowl hunters must check out immediately after

the close of their hunting trip and prior to processing birds by accurate completion and return of the Daily Waterfowl Hunting Tag to designated locations. These department areas are closed to waterfowl hunting on December 25. Only authorized persons are allowed within the waterfowl shooting areas during the waterfowl hunting season. Portions of these department areas may be open to fishing during all or part of the waterfowl season.

(G) Four Rivers Conservation Area (Designated waterfowl hunting areas of Units 1 and 2)

- /G/(H)* Grand Pass Conservation Area
- /H/(I)* B. K. Leach Memorial Conservation Area
- /I/(J)* Marais Temps Clair Conservation Area
- /J/(K)* Montrose Conservation Area
- /K/(L)* Nodaway Valley Conservation Area
- /L/(M)* Otter Slough Conservation Area
- /M/(N)* Schell-Osage Conservation Area
- /N/(O)* Ted Shanks Conservation Area
- /O/(P)* Ten Mile Pond Conservation Area

(6) On Settle's Ford Conservation Area and Four Rivers Conservation Area Units 3 and 4, waterfowl hunters must preregister and check out daily at designated hunter record boxes prior to and immediately after completing the hunt. *[Nonhunters are prohibited within the waterfowl hunting areas unless they are members of and remain with a party authorized to use the area.]*

[(8) On Four Rivers Conservation Area, in designated waterfowl hunting areas, waterfowl hunters must register before hunting and check out daily at area headquarters. On the remaining portions of the area, waterfowl hunters must register before hunting at designated hunter record boxes and check out immediately after completion of the hunt. In designated waterfowl hunting areas, hunting is closed on December 25. Nonhunters are prohibited within the designated waterfowl hunting areas unless they are members of and remain with a party authorized to use the area.]

[(9)] (8) On James A. Reed Memorial Wildlife Area, waterfowl may be hunted by reservation only by holders of a valid area daily hunting tag on designated days and only in designated areas, except that hunters may retrieve dead birds and shoot downed cripples outside designated areas.

[(10)] (9) On Marais Temps Clair Conservation Area, waterfowl hunting is permitted only on Friday, Saturday, Sunday and Monday and only until 1:00 p.m. during the prescribed duck and Canada goose seasons, except the area is open daily from sunrise to sunset for teal hunting during the early season.

[(11)] (10) On August A. Busch Memorial Conservation Area and Charles W. Green Conservation Area, waterfowl may be hunted only during managed waterfowl hunts.

[(12)] (11) On Blind Pony Lake Conservation Area, waterfowl may be hunted only in designated areas and only during the regular waterfowl hunting seasons.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed July 31, 2002, effective June 30, 2003. Amended: Filed April 30, 2004, effective Aug. 30, 2004. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.187 Trapping. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment changes reference to the Wildlife Code for consistency.

Trapping on department areas is allowed only with a special use permit issued by the area manager. Trappers must comply with Chapter 8 of *[the Wildlife]* this Code.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.205 Fishing, Methods and Hours. The commission proposes to amend subsections (3)(B) and (8)(A).

PURPOSE: This amendment alters the date of catch-and-release fishing season on Coot Lake; opens designated lakes and ponds on two (2) conservation areas to the seining or trapping of live bait; and, removes tadpoles and frogs from the list of live bait that can be taken.

(3) On James A. Reed Memorial Wildlife Area:

(B) On Coot Lake, from November 1 through *[February 19]* **January 31**, only flies and artificial lures may be used and fish must be returned to the water unharmed immediately after being caught.

(8) Seining or trapping live bait, including tadpoles, is prohibited on all lakes and ponds, and on streams and the discharge channels of impoundments on Mule Shoe Conservation Area, except as otherwise provided in this chapter.

(A) Seining or trapping live bait, *[including tadpoles,]* **excluding all frogs and tadpoles**, in compliance with 3 CSR 10-6.605 is permitted on designated lakes and ponds on the following department areas:

1. Atlanta Conservation Area
2. Bob Brown Conservation Area
3. Fountain Grove Conservation Area
4. Grand Pass Conservation Area
5. Long Branch Lake Management Lands
- 6. Locust Creek Conservation Area**
- [6.]*7. Nodaway Valley Conservation Area
- 8. Rebel's Cove Conservation Area**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed July 31, 2002, effective June 30, 2003. Amended: Filed May 9, 2003, effective Oct. 30, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.210 Fishing, Daily and Possession Limits. The commission proposes to amend sections (2) and (9), add a new section (4) and renumber sections accordingly.

PURPOSE: This amendment reduces the daily limit for black bass on J.N. "Turkey" Kearn Memorial Wildlife Area lakes; raises the daily limit on black bass at Fox Valley Lake; adds a restriction on two (2) lakes prohibiting fishing for any species after possessing a daily limit of trout; corrects reference to the new statewide daily limit; and, removes a date restriction.

(2) The daily limit for black bass shall be two (2) on the following department areas or individually named lakes:

- (I) J. N. "Turkey" Kearn Memorial Wildlife Area**
[(I)] (J) Lake Paho Conservation Area
[(J)] (K) Lone Jack Lake Conservation Area
[(K)] (L) Maple Leaf Lake Conservation Area
[(L)] (M) Port Hudson Lake Conservation Area
[(M)] (N) James A. Reed Memorial Wildlife Area
[(N)] (O) Schell Lake (Schell-Osage Conservation Area)
[(O)] (P) Weldon Spring Conservation Area

(4) On Fox Valley Lake (Fox Valley Lake Conservation Area), the daily and possession limit for black bass is twelve (12) in the aggregate.

[(4)] (5) On Bellefontaine Conservation Area, Hazel Hill Lake and Schell-Osage Conservation Area, the daily limit for crappie shall be fifteen (15).

[(5)] (6) The daily limit for white bass, striped bass and their hybrids in the aggregate shall be four (4) on the following department areas or individually named lakes:

- (A) August A. Busch Memorial Conservation Area
 (B) Harmony Mission Lake (Harmony Mission Conservation Area)
 (C) Perry County Community Lake
 (D) James A. Reed Memorial Wildlife Area

[(6)] (7) At Tobacco Hills Lake (Guy B. Park Conservation Area) and August A. Busch Memorial Conservation Area, the daily limit for bluegill and other sunfish shall be ten (10) in the aggregate.

[(7)] (8) On Bushwhacker Lake (Bushwhacker Conservation Area), the daily limit for bluegill and other sunfish shall be fifteen (15) in the aggregate.

[(8)] (9) On Duck Creek Conservation Area, statewide limits shall apply for other fish as designated in 3 CSR 10-6.550.

[(9)] (10) On August A. Busch Memorial Conservation Area:

(A) On Lakes 21 and 28, trout must be returned to the water unharmed immediately after being caught from November 1 through January 31. Trout may not be possessed on these waters during this season. **No person shall continue to fish for any species after having four (4) trout in possession from February 1 through October 31.**

(B) On Lakes 22, 23 and 24, no person shall continue to fish for any species after having *[five (5)]* **four (4)** trout in possession *[from November 1 through January 31]*.

[(10)] (11) On Bellefontaine Conservation Area, Port Hudson Lake Conservation Area and James A. Reed Memorial Wildlife Area, the daily limit for other fish as designated in 3 CSR 10-6.550 shall be ten (10) in the aggregate.

[(11)] (12) On Jerry J. Presley Conservation Education Center, except as otherwise provided on the special use permit, fish must be returned to the water unharmed immediately after being caught.

[(12)] (13) On Lake 12 (August A. Busch Memorial Conservation Area) and Lost Valley Fish Hatchery, the daily limit for all fish shall be two (2) in the aggregate. On Lost Valley Fish Hatchery, no person shall continue to fish for any species after having two (2) fish in possession.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed July 31, 2002, effective June 30, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.215 Fishing, Length Limits. The commission proposes to amend subsections (2)(B) and (2)(E) and add a new subsection (2)(F).

PURPOSE: This amendment establishes a fifteen inch (15") minimum length limit on black bass on J. N. "Turkey" Kearn Memorial Wildlife Area and Otter Slough Conservation Area; establishes a fourteen to eighteen inch (14"-18") protected length range on black bass on LaBelle Lake Conservation Area; and, removes the length limit on black bass on Fox Valley Lake.

(2) On lakes and ponds, except as listed below, black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught.

(B) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:

1. Amarugia Highlands Conservation Area
2. Atkinson Lake (Schell-Osage Conservation Area)
3. Baltimore Bend Conservation Area
4. Bilby Ranch Lake Conservation Area
5. Binder Community Lake
6. Buffalo Bill Lake (Pony Express Lake Conservation Area)
7. August A. Busch Memorial Conservation Area (except Lakes 33 and 35)
8. Che-Ru Lake (Fountain Grove Conservation Area)
9. Jerry P. Combs Lake (Little River Conservation Area)
10. Deer Ridge Lake (Deer Ridge Conservation Area)
11. General Watkins Conservation Area
12. Jamesport Community Lake
- 13. J. N. "Turkey" Kearn Memorial Wildlife Area**
- ~~[13.]~~ **14. Limpp Community Lake**
- ~~[14.]~~ **15. Lone Jack Lake Conservation Area**
- ~~[15.]~~ **16. Maple Leaf Lake Conservation Area**
- ~~[16.]~~ **17. Nodaway County Community Lake**
- 18. Otter Slough Conservation Area**
- ~~[17.]~~ **19. Perry County Community Lake**
- ~~[18.]~~ **20. Pony Express Lake (Pony Express Lake Conservation Area)**
- ~~[19.]~~ **21. Ray County Community Lake**
- ~~[20.]~~ **22. James A. Reed Memorial Wildlife Area**
- ~~[21.]~~ **23. Rinquelin Trail Community Lake**
- ~~[22.]~~ **24. Schell Lake (Schell-Osage Conservation Area)**
- ~~[23.]~~ **25. Ted Shanks Conservation Area**
- ~~[24.]~~ **26. Tobacco Hills Lake (Guy B. Park Conservation Area)**
- ~~[25.]~~ **27. Union Ridge Lake (Union Ridge Conservation Area)**
- ~~[26.]~~ **28. Vandalia Community Lake**
- ~~[27.]~~ **29. Weldon Spring Conservation Area**
- ~~[28.]~~ **30. Worth County Community Lake**

(E) On Hazel Hill Lake and LaBelle Lake Conservation Area, black bass more than fourteen inches (14") but less than eighteen

inches (18") total length must be returned to the water unharmed immediately after being caught.

(F) On Fox Valley Lake (Fox Valley Lake Conservation Area), there is no length limit on black bass.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.109 Closed Hours. The commission proposes to amend section (1).

PURPOSE: This amendment establishes closed hours for uses other than fishing and other conservation-related recreation at Brookfield City Lake, Marceline City Lake and Old Marceline City Reservoir.

(1) Closed Hours. The following areas are closed to public use from 10:00 p.m. to 4:00 a.m. daily; however, hunting, fishing, trapping, dog training, camping, launching boats and landing boats are permitted at any time on areas where these activities are authorized, except as further restricted in this chapter.

- (B) Brookfield City Lake**
~~[(B)]~~ **(C)** Empire District Electric Company (Ozark Beach Recreation Area)
~~[(C)]~~ **(D)** Department of Mental Health (Marshall Habilitation Center Lake)
~~[(D)]~~ **(E)** Green City Lake
~~[(E)]~~ **(F)** Higbee (City Waterworks Lake)
~~[(F)]~~ **(G)** Kirksville (Hazel Creek Lake)
~~[(G)]~~ **(H)** Lancaster (New City Lake, Paul Bloch Memorial Pond)
~~[(H)]~~ **(I)** LaPlata City Lake
(J) Marceline (Marceline City Lake, Old Marceline City Reservoir)
~~[(J)]~~ **(K)** Memphis (Lake Showme)
~~[(K)]~~ **(L)** Milan (Elmwood Lake)
~~[(L)]~~ **(M)** Monroe City (Route J Reservoir)
~~[(M)]~~ **(N)** Rockaway Beach Access
~~[(N)]~~ **(O)** Springfield City Utilities (Fellows Lake, Lake Springfield, Tailwaters Access)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 1, 2001, effective Oct. 30, 2001. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.135 Fishing, Methods. The commission proposes to amend sections (3) and (7).

PURPOSE: This amendment will permit the harvest of certain nongame fish by gig, longbow or crossbow on Memphis (Lake Showme); and prohibits the use of natural and scented baits at Jefferson City (McKay Park Lake) during the winter catch-and-release trout fishing season.

(3) Carp, buffalo, suckers and gar may be taken by gig, longbow or crossbow during statewide seasons on the following lakes:

(K) Memphis (Lake Showme)

~~[(K)]~~ (L) St. Louis County (Sunfish Lake)

~~[(L)]~~ (M) Thousand Hills State Park (Forest Lake)

~~[(M)]~~ (N) Unionville (Lake Mahoney)

~~[(N)]~~ (O) Wakonda State Park lakes

(7) Only flies, artificial lures and soft plastic baits (unscented) may be used from November 1 through January 31 on the following lakes:

(C) Jefferson City (McKay Park Lake)

~~[(C)]~~ (D) Kirkwood (Walker Lake)

~~[(D)]~~ (E) Overland (Wild Acres Park Lake)

~~[(E)]~~ (F) St. Louis City (Jefferson Lake)

~~[(F)]~~ (G) St. Louis County (Tilles Park Lake)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.150 Fishing, Trout Parks. The commission proposes to amend subsections (1)(B) and (C).

PURPOSE: This amendment reduces the daily limit for trout in the four (4) trout parks.

(1) On Maramec Spring Trout Park, Bennett Spring State Park, Montauk State Park and Roaring River State Park:

(B) Trout fishing is permitted from March 1 through October 31. The daily limit is ~~[five (5)]~~ **four (4)** trout, and no person shall continue to fish for any species after having ~~[five (5)]~~ **four (4)** trout in possession. Fishing in the designated trout waters is permitted only by holders of a signed valid area daily trout fishing tag.

(C) On a designated portion of Montauk State Park and Roaring River State Park, catch and release trout fishing only is permitted from March 1 through October 31. Only flies may be used, and trout must be returned to the water unharmed immediately after being caught. Trout may not be possessed in these designated areas, and no person with ~~[five (5)]~~ **four (4)** trout already in possession may fish there.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Sept. 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 60—[Vocational and Adult Education]
Division of Career Education
Chapter 100—Adult Education**

PROPOSED RULE

5 CSR 60-100.050 Family Literacy Program

PURPOSE: The Department of Elementary and Secondary Education has the responsibility to establish and fund family literacy programs in school districts declared unaccredited or provisionally accredited by the State Board of Education.

(1) School districts declared unaccredited or provisionally accredited by the State Board of Education (board) may apply for funds to establish and operate a family literacy program. Annually, applications are solicited from eligible school districts which shall be due as of a date and in a form established by the Department of Elementary and Secondary Education (DESE).

(2) The amount to be distributed to establish and fund family literacy programs shall be one and one-half percent (1.5%) of the line 14 distribution. The board determines the appropriation for the program which will be allocated for the purpose authorized and the manner in which the amount will be distributed to eligible school

districts. The distribution of family literacy funds will be based on two (2) allocations.

(A) The base allocation will be based on the previous fiscal year's September membership count.

(B) A separate allocation will be established annually to distribute the remaining funds on a per-pupil basis. The per-pupil rate will be calculated from the total remaining funds divided by the previous fiscal year's total student membership count from the eligible school districts. Each applicant's allocation will be based on the previous fiscal year's total district student membership count multiplied by the per-pupil rate.

(3) School districts may apply for a continuation grant, once declared accredited by the board. The continuation grant may be made available for up to two (2) years, contingent upon available funding. However, priority will be given to funding for school districts declared unaccredited or provisionally accredited.

(4) Applications for family literacy grants submitted by eligible school districts, to be approvable, must demonstrate that the programs are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in families. The applicants shall provide family literacy programs and services that include:

(A) Interactive literacy activities between parents and their children;

(B) Training of parents regarding how to be the primary teacher of their children and full partners in the education of their children;

(C) Parent literacy training that leads to high school completion and economic self-sufficiency; and

(D) An age-appropriate education to prepare children of all ages for success in school.

(5) Programs shall be evaluated annually by DESE using the Missouri Family Literacy Indicators of Program Quality and Standards of Performance. To ensure delivery of quality programming and services, family literacy programs must:

(A) Establish an advisory council of community stakeholders to assist in planning and coordination;

(B) Be coordinated with other literacy programs in the school district and community;

(C) Be focused on school buildings not meeting student performance goals; and

(D) Provide staff training and professional development.

(6) Recipients of grants shall obligate grant funds only during the period which begins on the date DESE approves an application and ends on the following June 30. Obligations are considered to have been incurred as follows: for equipment and supplies, when the recipient makes a binding commitment to acquire the equipment and supplies, usually by issuing a purchase order; and for personal services, when the services are performed. All obligations for the purchase of equipment must be incurred by March 31 of the grant period and liquidated by June 30. Any funds not properly obligated for approvable project costs are refundable to DESE.

(7) Each school district receiving a grant under the appropriation shall provide DESE, as part of its statutory independent audit or other independent audit, a report of the results of the audit performed in accordance with DESE's general policy on audits.

AUTHORITY: sections 160.531 and 161.092, RSMo Supp. 2004. Original rule filed Sept. 22, 2004.

PUBLIC COST: This proposed rule is estimated to cost the state of Missouri \$5,609,330 for Fiscal Year 2005. Annual cost subject to appropriation total for Line 14. The recurring cost is dependent on the total Line 14 appropriation.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention: Dr. Nancy J. Headrick, Assistant Commissioner, Division of Career Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST****I. RULE NUMBER**

Title: 5 – Department of Elementary and Secondary Education

Division: 60 – Division of Career Education

Chapter: 100 – Family Literacy Program

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 60-100.050 Family Literacy Program

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
State of Missouri	\$5,609,330 for FY 2005. Annual cost subject to appropriation total for Line 14 defined in Section 163.031, RSMo.

III. WORKSHEET

The current public cost of this rule for the State of Missouri is five million six hundred nine thousand three hundred thirty dollars (\$5,609,330) for FY 2005. Section 160.531.2, RSMo, specifies that one and one-half percent of the total Line 14 appropriation will be allocated for family literacy programs. Line 14 is defined in Section 163.031, RSMo, and the FY 2005 appropriation is \$373,955,326. The required allocation for family literacy programs is five million six hundred nine thousand three hundred thirty dollars (\$5,609,330) for FY 2005 (\$373,955,326 times 1.5%). The recurring cost is dependent on the total Line 14 appropriation. The projected cost to public school districts is zero.

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.200 Application for Certificate of License to Teach. The State Board of Education is amending sections (1), (2), (3), (4), (6) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the certification requirements in the Compendium of Missouri Certification Requirements.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) An applicant for a Missouri certificate of license to teach who possesses good moral character and has successfully completed a state-approved teacher preparation program or earned a doctoral degree may be granted an initial Missouri certificate of license to teach in their major area of study subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule. **Anyone interested in viewing or requesting a copy of the compendium (revised September 2004) may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendment or additions.**

(2) Applications for a Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education (*the* board), accompanied by the appropriate fee and may be obtained by writing the Educator Certification Section of the Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102-0480 or downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol (**Highway Patrol**) and/or the Federal Bureau of Investigation (FBI) and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for **submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI and the payment of any fees required by the [Missouri] Highway Patrol and/or FBI.**

[(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.]

(4) *[The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to DESE, including information regarding any disciplinary action.]* **The applicant shall submit verification**

of certification or licensure directly to DESE including information regarding any disciplinary action from each state or United States' territory regulatory entity in which a professional license, including a certificate of license to teach, is held or has been held.

(6) An applicant for a Missouri certificate of license to teach who possesses a valid certificate of license to teach from another state and who possesses good moral character may be granted a Missouri certificate of license to teach. The applicant shall submit the application on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the *[Missouri State]* Highway Patrol and/or the FBI and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for **submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI and the payment of any fees required by the [Missouri State] Highway Patrol and/or FBI.**

[(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.]

AUTHORITY: sections 168.011, 168.405 and 168.409, RSMo 2000 and 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo Supp. [2003] 2004. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attn: Dr. Charles Brown, Assistant Commissioner, Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.220 Application for Certificate of License to Teach for Administrators. The State Board of Education is amending the Purpose, sections (1), (3), (6), (7), (9), amending and renumbering sections (11), (12), (13), (14), (15), (23), deleting sections (10), (16)-(22) and amending the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the certification requirements for administrators in the Compendium of Missouri Certification Requirements.

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates.

This rule outlines the procedures for application for a certificate of license to teach for school administrators including superintendent, principal, [advanced principal,] special education administrator and [vocational director] career education director.

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) An applicant for an administrator may be granted an administrator certificate of license to teach in the following areas subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule and criteria established in the rules promulgated by the State Board of Education ([the] board), to an individual who possess good moral character. **Anyone interested in viewing or requesting a copy of the compendium (revised September 2004) may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.**

(B) Principal, grades K-8; grades 5-9; and/or grades [9] 7-12;

[(C) Advanced principal, grades K-8; grades 5-9; and/or grades 9-12;]

[(D)](C) Special education administrator, grades K-12; and/or

[(E)](D) [Vocational] Career education director.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol (**Highway Patrol**) and/or the Federal Bureau of Investigation (FBI) and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for **submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI** and the payment of any fees required by the [Missouri] Highway Patrol and/or FBI.

[(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.]

(6) The applicant must achieve a score equal to or in excess of the qualifying score on the [exit] **building-level administrator's** assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(7) [The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to DESE, including information regarding any disciplinary action.] **The applicant shall submit verification of certification or licensure directly to DESE including information regarding any disciplinary action from each state or United States' territory regulatory entity in which a professional license, including a certificate of license to teach, is held or has ever been held.**

(8) The applicant for an **initial** administrator certificate of license to teach as a superintendent must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official from a state-approved educational specialist or advanced degree program for the preparation of superintendents; *and*

(B) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE[.]; **and**

(C) **The applicant must verify a minimum of one (1) year's administrative experience.**

(9) The applicant for an **initial** administrator certificate of license to teach as a principal must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved master's in educational [administration] **leadership** or higher level program for the preparation of principals;

(D) The applicant must achieve a score equal to or in excess of the qualifying score on the [exit] **building-level administrator's** assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

[(10) The applicant for an administrator certificate of license to teach as an advanced principal must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved masters in educational administration or higher level program for the preparation of principals;

(B) The applicant shall complete a planned program of at least thirty (30) semester hours of graduate credit culminating in an educational specialist or doctoral degree with a major emphasis in educational administration from a state-approved program for the preparation of principals;

(C) The applicant must possess two (2) years of teaching experience; *and*

(D) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.]

[(11)](10) The applicant for an **initial** administrator certificate of license to teach as a special education administrator must comply with the following additional criteria:

(A) The applicant must possess a master's degree or higher from a state-approved program in educational [administration, special education or a related field] **leadership**;

(B) The applicant must possess or be eligible to possess a certificate of license to teach in an area of special education **or student services**;

(C) The applicant must possess two (2) years of teaching experience **in special education or student services**;

(D) [The applicant shall submit an official transcript showing completion of nine (9) semester hours of graduate course work in special education, with two (2) of the nine (9) semester hours focused on special education administration] **Obtain a recommendation for certification from the designated official of a college/university approved by DESE; and**

(E) The applicant must achieve a score equal to or in excess of the qualifying score on the [exit] **building-level administrator's** assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

[(12)](11) The applicant for an **initial** administrator certificate of license to teach as a [vocational] **career education** director must comply with the following additional criteria:

(A) The applicant must possess a master's degree or higher **in educational leadership, or in a certifiable area recognized in**

Missouri, from a [state-approved] college or university meeting approval of DESE;

(B) [The applicant must possess a valid Missouri certificate of license to teach in the content area of secondary education, vocational-technical and/or student services] The applicant must possess a baccalaureate degree from a four (4)-year college/university; [and]

(C) The applicant must possess [two (2) years of full-time teaching experience at the grade seven (7)-adult level, as approved by DESE or two (2) years of full-time experience at grade seven (7)-adult level other than teaching.] a minimum of two (2) years teaching experience at grades seven (7) or higher approved by DESE or, for the postsecondary career education director a combination of two (2) years of teaching experience at grades seven (7) or higher and/or two (2) years of full-time experience at workforce development (adult education or customized training, et al.) in an educational setting; and

(D) Successful completion of the building-level administrator's assessment designated by the board (only required for secondary career education directors).

[(13)](12) An applicant for a Missouri administrator certificate of license to teach who possesses a valid administrator certificate of license to teach from another state and possesses good moral character may be granted a Missouri administrator certificate of license to teach. The applicant shall submit the application on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Highway Patrol and/or the FBI and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

[(A) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(B) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to DESE, including information regarding any disciplinary action.

(C) The applicant shall submit two (2) full sets of fingerprints on cards provided by the board.

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purpose of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.]

(A) The applicant is responsible for submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI and the payment of any fees required by the Highway Patrol and/or FBI.

[(14)](13) Following review by DESE, the applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

[(15)](14) An initial administrator certificate of license to teach may be issued [for a principal] for a period of [five (5)] four (4) years and may be renewed [once for an additional five (5) years. The requirements for renewal are as follows:] as set forth in the compendium.

[(A) Written request for renewal of the certificate of license to teach;

(B) Submission of an official transcript showing fifteen (15) graduate semester hours toward a two (2)-year graduate program culminating in an educational specialist or doctoral degree with a major emphasis in educational adminis-

tration from a state-approved program for the preparation of principals; and

(C) Submission of a letter from the designated certification official at a state-approved college or university that the individual has completed the fifteen (15) hours toward their educational specialist or doctoral degree with a major emphasis in educational administration.]

(16) An administrator certificate of license to teach may be issued for an advanced principal and/or superintendent for a period of ten (10) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach; and

(B) Documentation of five (5) years experience in school administration during the previous ten (10) years.

(17) If a superintendent or advanced principal seeks to renew an administrator certificate of license to teach, however, the individual has not been employed as a school administrator for five (5) years of the previous ten (10) years, the individual must submit the following:

(A) Written request for renewal of the certificate of license to teach; and

(B) Submission of an official transcript showing six (6) graduate semester hours appropriate for administrators from a state-approved college or university or documentation verifying a professional development plan equivalent to six (6) graduate semester hours as approved by DESE.

(18) An administrator certificate of license to teach may be issued for a special education administrator for a period of ten (10) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach; and

(B) Documentation of five (5) or more years of experience as a special education administrator during the previous ten (10) years.

(19) If a special education administrator seeks to renew their administrator certificate of license to teach, however, the individual has not been employed as a special education administrator for five (5) years in the previous ten (10) years, the individual must submit the following:

(A) Written request for renewal of the certificate of license to teach; and

(B) Submission of an official transcript showing six (6) graduate semester hours appropriate for administrators from a state-approved college or university.

(20) An administrator certificate of license to teach may be issued for a vocational director for a period of five (5) years and may be renewed for an additional five (5) years. The requirements for renewal are as follows:

(A) Completion of a planned program of graduate credit focused upon general and vocational administration from a state-approved college or university to prepare vocational school administrators. The planned program shall include a minimum of fifteen (15) hours of approved graduate credit, which meet the competencies identified for the certificate of license to teach;

(B) Achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE;

(C) Confirmed attendance at three (3) vocational education conferences;

(D) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least thirty (30) clock hours; and

(E) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams.

(21) A ten (10)-year administrator certificate of license to teach as a vocational director may be issued to the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Confirmed attendance at eight (8) vocational education conferences;

(B) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least sixty (60) clock hours;

(C) Participation in two (2) accreditation-evaluations of schools by the North Central Association or DESE evaluation teams; and

(D) Evidence of six (6) graduate semester hours toward an advanced degree from a state-approved college or university.

(22) The ten (10)-year administrator certificate of license to teach as a vocational director may be renewed an unlimited number of times by the individual meeting the following criteria:

(A) Possession of five (5) years experience in school administration during the previous ten (10) years;

(B) Confirmed attendance at eight (8) vocational education conferences;

(C) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least sixty (60) clock hours;

(D) Participation in two (2) accreditation-evaluations of schools by the North Central Association or DESE evaluation teams; and

(E) Completion of one of the following:

1. An advanced degree; or

2. A Professional Development Agreement approved by the assistant commissioner of Vocational and Adult Education that includes graduate courses and/or professional development activities equivalent to nine (9) semester hours of graduate credit.]

[(23)](15) The holder of an administrator certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of an administrator certificate of license to teach whose name is changed by marriage or court order shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of an administrator certificate of license to teach whose address has changed shall inform DESE in writing of the change within ninety (90) days of the effective date of the change.

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo Supp. 2003 and 168.011, 168.405 and 168.409, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Any one may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attn: Dr. Charles Brown, Assistant Commissioner, Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.230 Application for a Student Services Certificate of License to Teach. The State Board of Education is amending the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment updates the certification requirements in the *Compendium of Missouri Certification Requirements*.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

AUTHORITY: sections 168.011, RSMo 2000 and 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo Supp. 2003. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attn: Dr. Charles Brown, Assistant Commissioner, Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.260 Temporary Authorization Certificate of License to Teach. The State Board of Education is amending sections (2), (3), (7), (9), (14) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference, adding new sections (9) and (12), and renumbering sections (9)–(14).

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the certification requirements for career education temporary authorization certificates in the Compendium of Missouri Certification Requirements.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(2) Applications for a Missouri temporary authorization certificate shall be submitted on the forms provided by the State Board of Education (*[the]* board) and may be obtained by writing the Educator Certification Section at the Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102-0480 or downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol (**Highway Patrol**) and/or the Federal Bureau of Investigation (FBI), and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for **submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI** and the payment of any fees required by the *[Missouri]* Highway Patrol and/or FBI.

[(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.]

(7) The applicant for a temporary authorization certificate (excluding a temporary authorization administrator's **and/or career education** certificate) must comply with the following criteria:

(D) If this is the applicant's initial certificate of license to teach, documentation of a plan of study based upon required certification competencies incorporated in classes provided by an accredited college or university. If the applicant holds an initial Missouri professional or life certificate of license to teach and is seeking an additional certificate of license to teach, a transcript analysis from DESE based on the requirements set forth in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule must be submitted. **Anyone interested in viewing or requesting a copy of the compendium (revised September 2004) may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.**

(9) The applicant for a temporary authorization career education certificate must comply with the following criteria:

(A) Verification of one (1) of the following:

1. Possession of a baccalaureate or higher degree from an accredited college or university in the subject area being taught

and four thousand (4,000) hours of DESE-approved, related occupational experience obtained within the most recent ten (10) years;

2. Possession of an associate's degree from an accredited college or university in the subject area being taught and five thousand (5,000) hours of DESE-approved, related occupational experience obtained within the most recent ten (10) years;

3. Six thousand (6,000) hours of DESE-approved, related occupational experience obtained within the most recent ten (10) years; or

4. For the area of Junior Reserve Officer Training Corps (ROTC), a notarized letter from the appropriate branch of the armed services indicating that the applicant is an approved Junior ROTC instructor.

[(9)](10) The temporary authorization certificate (excluding a temporary authorization administrator's **and/or career education** certificate) is valid for up to one (1) school year. It may be renewed annually by joint application from the certificate holder and the employing Missouri public school district or accredited nonpublic school upon demonstration of the following:

(A) Continued contracted employment with a Missouri public school district or accredited nonpublic school;

(B) Documentation of successful Performance Based Teacher Evaluation by the sponsoring Missouri public school district or accredited nonpublic school;

(C) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited nonpublic school;

(D) Taking both the Praxis II assessments, one (1) content knowledge or specialty area assessment and two (2) principles of learning and teaching for the specific grade levels as promulgated by the rules adopted by the board if this is the certificate holder's first renewal. An individual who currently possesses a professional certificate of license to teach will be exempted from taking the principles of learning and teaching;

1. Failure to achieve the Missouri qualifying score on either of these assessments shall be used by the certificate holder and a teacher preparation program to identify priority classes for further study; and

(E) Completion of nine (9) semester hours of course work toward the professional certificate of license to teach in the area of assignment based upon the requirements set forth in the *[Compendium of Missouri Certification Requirements]* (*[compendium]*) which is incorporated by reference and made a part of this rule].

[(10)](11) The temporary authorization administrator's certificate is valid for up to one (1) school year and may only be renewed annually for four (4) subsequent years. It may be renewed annually by joint application from the certificate holder and the employing Missouri public school district upon demonstration of the following:

(A) Continued contracted employment as an administrator with a Missouri public school district or accredited nonpublic school;

(B) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited nonpublic school; and

(C) Completion of nine (9) semester hours of course work toward the administrator's certificate of license to teach. The appropriate hours will be determined by the state-approved program for the preparation of an administrator's certificate of license to teach.

(12) The temporary authorization career education certificate is valid for up to one (1) school year. It may be renewed annually by joint application from the certificate holder and the employing Missouri public school district or accredited nonpublic school upon demonstration of the following:

(A) Continued contracted employment with a Missouri public school district or accredited nonpublic school;

(B) Documentation of successful Performance Based Teacher Evaluation by the sponsoring Missouri public school district or accredited nonpublic school;

(C) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited nonpublic school; and

(D) Completion of nine (9) semester hours of course work toward the career education certificate of license to teach in the area of assignment based upon the requirements set forth in the compendium.

[[11]]/(13) The applicant shall be informed in writing of the decision regarding the application for a temporary authorization certificate.

[[12]]/(14) An individual may qualify for a professional classification certificate of license to teach *[[excluding an administrator's certificate]]* upon documentation of the following:

(A) The certificate holder has been teaching under a temporary authorization certificate of license to teach for a minimum of three (3) years;

(B) Achievement of the Missouri qualifying score on both the Praxis II assessments, one (1) content knowledge or specialty area assessment and two (2) principles of learning and teaching for the specific grade levels as promulgated by the rules adopted by the board;

(C) Documentation of successful Performance Based Teacher Evaluation by the sponsoring Missouri public school district or accredited nonpublic school;

(D) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited nonpublic school; and

(E) Documentation of key course work in education as listed below:

1. Course work in education not to exceed twenty-four (24) credit hours for any temporary authorization certificate (excluding an administrator's and/or special education temporary certificate) to include competencies in:

- A. Psychology of the Exceptional Child;
- B. Behavioral Management Techniques;
- C. Measurement and Evaluation;
- D. Teaching Methods/Instructional Strategies;
- E. Methods of Teaching Reading at the appropriate level;
- F. Developmental Psychology at the appropriate level; and
- G. Beginning Teacher Assistance; or

2. Course work in education not to exceed twenty-nine (29) credit hours for a special education temporary authorization certificate to include competencies in:

- A. Psychology of the Exceptional Child;
- B. Behavioral Management Techniques or Supporting Challenging Behavior;
- C. Evaluation of Abilities and Achievement (to include Intelligence Testing);
- D. Introduction to Teaching Students in one of the following areas:

- (I) Cross-Categorical Disabilities; or
- (II) Severely Developmentally Disabled;

E. Methods of Teaching Students in one of the following areas:

- (I) Cross-Categorical Disabilities; or
- (II) Severely Developmentally Disabled;
- F. Methods of Teaching Reading:
 - (I) Reading Methods; and
 - (II) Analysis and Correction of Reading Disabilities;
- G. Methods of Teaching Mathematics:
 - (I) Mathematics Methods; and
 - (II) Methods of Teaching Remedial Mathematics;

H. Counseling Techniques or Collaboration with Family, School and Community;

I. Selection and use of assistive technology such as augmentative communication systems (only for the Severely Developmentally Disabled certificate of license to teach);

J. Alternative formats for communication including: nonverbal communication systems (only for the Severely Developmentally Disabled certificate of license to teach); and

K. Speech and Language Development of the Exceptional Child (only for the Severely Developmentally Disabled certificate of license to teach).

[[13]]/(15) The holder of a temporary authorization certificate shall ensure that DESE has their current legal name and address.

(A) A holder of temporary authorization certificate whose name is changed by marriage or court order shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a temporary authorization certificate whose address has changed shall inform DESE in writing of the change within ninety (90) days of the effective date of the change.

[[14]]/(16) All Missouri public school districts are required to disclose the certification status of teachers holding a temporary authorization certificate by public notice in a form established by the board and consistent with applicable state laws and regulations.

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081 and 168.083, RSMo Supp. 2003 and 168.011, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April, 30, 2004. Amended: Filed Sept. 22, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support for or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attn: Dr. Charles Brown, Assistant Commissioner, Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 80—Teacher Quality and Urban Education Chapter 800—Educator Certification

PROPOSED AMENDMENT

5 CSR 80-800.270 Application for a [Vocational-Technical] Career Education Certificate of License to Teach. The State Board of Education is amending the title, Purpose, sections (1), (3), (5), (6), (7), (8), (9), (10), (11) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the certification requirements for career education in the Compendium of Missouri Certification Requirements.

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates.

This rule outlines the procedures for application for a [vocational-technical] career education certificate of license to teach.

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) An applicant for a Missouri [vocational-technical] career education certificate of license to teach who possesses good moral character, the appropriate professional/technical skills and the appropriate educator course work may be granted a Missouri [vocational-technical] career education certificate of license to teach.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol (Highway Patrol) and/or the Federal Bureau of Investigation (FBI) and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI and the payment of any fees required by the [Missouri] Highway Patrol and/or FBI.

[(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.]

(5) The applicant must comply with the specific requirements for the various [vocational-technical] career education certificates of license to teach as set forth in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule. **Anyone interested in viewing or requesting a copy of the compendium (revised September 2004) may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.**

(6) If the applicant seeks a [vocational-technical] career education certificate of license to teach from DESE in an area which Missouri currently issues a professional license or certification, the applicant must possess a valid, unencumbered, undisciplined professional license or certificate from the professional licensing entity within Missouri.

(7) *[The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to DESE, including information regarding any disciplinary action.] The applicant shall submit verification of certification or licensure directly to DESE including information regarding any disciplinary action from each state or United States' territory regulatory entity in which a professional license, including a certificate of license to teach, is held or has ever been held.*

(8) Following review by DESE, the applicant shall be informed in writing of the decision regarding the application for a [vocational-technical] career education certificate of license to teach.

(9) The holder of a [vocational-technical] career education certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a [vocational-technical] career education certificate of license to teach whose name is changed by marriage or court order shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a [vocational-technical] career education certificate of license to teach whose address has changed shall inform DESE in writing of the change within ninety (90) days of the effective date of the change.

(10) The following [vocational-technical] career education certificates of license to teach may be issued and renewed as set forth in the compendium:

(A) [Vocational I] Initial career education valid for [two (2)] four (4) years; and

(B) [Vocational II valid for (five (5) years.) Career continuous career education.

(11) When an individual's [vocational-technical] career education certificate of license to teach has expired for thirty (30) days, the individual must meet current requirements as set forth in the compendium.

AUTHORITY: sections 168.011, RSMo 2000 and 161.092, 168.021, 168.071 and 168.081, RSMo [Supp. 2003] Supp. 2004. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attn: Dr. Charles Brown, Assistant Commissioner, Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—Teacher Quality and Urban Education Chapter 800—Educator Certification

PROPOSED AMENDMENT

5 CSR 80-800.280 Application for an Adult Education and Literacy Certificate of License to Teach. The State Board of Education is amending sections (3), (4), (5) and deleting sections (6) and (8)–(11).

PURPOSE: *This amendment incorporates legislative changes from 2003 and updates the application process for an Adult Education and Literacy certificate in the Compendium of Missouri Certification Requirements.*

PUBLISHER'S NOTE: *The secretary of state has determined that*

the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol (**Highway Patrol**) and/or the Federal Bureau of Investigation (FBI) and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for **submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI** and the payment of any fees required by the [Missouri] Highway Patrol and/or FBI.

[(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the adult education section of DESE.]

(4) [The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to DESE, including information regarding any disciplinary action.] **The applicant shall submit verification of certification or licensure directly to DESE including information regarding any disciplinary action from each state or United States' territory regulatory entity in which a professional license, including a certificate of license to teach, is held or has ever been held.**

(5) [An] **The following AEL professional classification [(I AEL-I)]** certificates of license to teach may be issued and renewed [an unlimited number of times. The AEL-I is valid for three (3) years to individuals meeting the following additional requirements:] as set forth in the **Compendium of Missouri Certification Requirements** (compendium) which is incorporated by reference and made a part of this rule. Anyone interested in viewing or requesting a copy of the compendium (revised September 2004) may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions:

(A) [Possession of a baccalaureate degree from an accredited college or university; and] **Initial AEL valid for four (4) years; and**

(B) [Successful completion of the AEL Beginning Teacher Workshop (BTW)] **Career Continuous AEL.**

[(6) The effective date for the AEL certificate of license to teach is July 1 when the application or renewal is received in the fiscal year, July 1 to June 30.]

[(7)](6) Following review by DESE, the applicant shall be informed of the decision regarding the application for an AEL certificate of license to teach.

[(8) An AEL-I certificate of license to teach may be issued for a period of three (3) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Successful completion of the AEL Intermediate Teacher Workshop (ITW) following the BTW;

(B) Successful completion of two (2) of the three (3) AEL Experience Teacher Workshops (ETW) following the ITW; and

(C) Successful completion of one (1) in-service per year, approved by the adult education section of DESE.

(9) An AEL-II certificate of license to teach may be issued and renewed an unlimited number of times. The AEL-II is valid for ten (10) years to individuals meeting the following additional requirements:

(A) Possession of a valid AEL-I;

(B) Completion of six (6) years AEL teaching experience; and

(C) Completion of twelve (12) semester hours relating to adult education and literacy. An exception from this twelve (12)-hour requirement exists if the certificate holder has already earned a master's or higher degree.

(10) An AEL-II certificate of license to teach may be renewed an unlimited number of times by individuals meeting the following requirements:

(A) Successful completion of seven (7) of ten (10) annual AEL ETWs; and

(B) Successful completion of one (1) in-service per year, approved by the adult education section of DESE.

(11) The holder of an AEL certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of an AEL certificate of license to teach whose name is changed by marriage or court order shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of an AEL certificate of license to teach whose address has changed shall inform DESE in writing of the change within ninety (90) days of the effective date of the change.]

[(12)] (7) When an individual's AEL certificate of license to teach has expired for [sixty (60)] **thirty (30)** days, the individual must meet current requirements as set forth in the [Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule] **compendium.**

AUTHORITY: sections 168.011, RSMo 2000, and 161.092, 168.021, 168.071 and 168.081, RSMo [Supp. 2003] **Supp. 2004.** Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attn: Dr. Charles Brown, Assistant Commissioner, Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.350 Certificate of License to Teach Content Areas. The State Board of Education is amending subsections (2)(C), (2)(D), (2)(F), (2)(H), (2)(J), Appendix A and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: *This amendment incorporates legislative changes from 2003 and changes the requirements for content area certificates in the Compendium of Missouri Certification Requirements.*

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(2) Certificates of license to teach are issued and renewed by the State Board of Education (board) pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule and the rules promulgated by the board in the specialized areas as follows[:]. **Anyone interested in viewing or requesting a copy of the compendium (revised September 2004) may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.**

(C) Middle school education, grades 5–9 with at least one (1) area of certification in the following areas:

1. Agricultural education;
2. Business education;
- [3. *Family and consumer sciences*;]
- [4.]3. Industrial technology;
- [5.]4. Language arts;
- [6.]5. Mathematics;
- [7.]6. Science;
- [8.]7. Social science; and/or
- [9.]8. Speech/theatre;

(D) Secondary education, grades 9–12 in the following areas:

1. Agricultural education;
2. Art;
3. Business education;
4. English;
- [5. *Family and consumer sciences*;]
- [6.]5. Health;
- [7.]6. Industrial technology;
- [8.]7. Journalism;
- [9.]8. Mathematics;
- [10.]9. Physical education;
- [11.]10. Science: biology;
- [12.]11. Science: chemistry;
- [13.]12. Science: earth science;
- [14.]13. Science: general science;
- [15.]14. Science: physics;
- [16.]15. Social science;
- [17.]16. Speech/theatre;
- [18.]17. Unified science: biology;
- [19.]18. Unified science: chemistry;
- [20.]19. Unified science: earth science; and/or

[21.]20. Unified science: physics; [and/or]

[22. *Vocational family and consumer science*;]

(F) Other certificates of license to teach may be issued in one (1) or more of the following areas:

1. Art, grades K–12;
2. Dance, grades K–12;
3. Family and consumer sciences, birth–grade 12 [*effective September 1, 2004*];
4. Foreign language, grades K–12;
5. Health, grades K–12;
6. Instrumental music, grades K–12;
7. Library media specialist, grades K–12;
8. Physical education, grades K–12 or grades K–9; and/or
9. Vocal music, grades K–12;

(G) Other certification areas may be added to a certificate of license to teach except for [*vocational-technical*] **career education**, adult education and literacy, temporary authorization and/or substitute certificates of license to teach in one (1) or more of the following areas:

1. Art, grades K–9;
2. Driver education, grades 9–12;
3. English for speakers of other languages, grades K–12;
4. Family resource specialist, birth–grade 3;
5. Foreign language, grades K–9;
6. Gifted education, grades K–12;
7. Health, grades K–9; and/or
8. Special reading, grades K–12;

(H) Administrator certificates of license to teach may be issued in one (1) or more of the following areas:

1. Superintendent, grades K–12;
2. Principal, grades K–8, grades 5–9, and/or grades [9–12] 7–12;
- [3. *Advanced principal*, grades K–8, grades 5–9, and/or grades 9–12;]

[4.]3. Special education administrator, grades K–12; and/or

[5.]4. [*Vocational school*] **Career education** director, **secondary or postsecondary**;

(J) [*Vocational-technical*] **Career education** certificates of license to teach may be issued in one (1) or more of the following areas (see Appendix A which is included herein):

1. Agriculture **education**;
2. Business **education**;
3. Family and consumer sciences **education**;
4. Health sciences;
5. Junior Reserve Officers Training Corps (ROTC);
6. Marketing [*and cooperative*] **education**; [*and/or*]
7. **Special needs**; and/or
- [7.]8. Trade and industrial [*/T&I/*] **education**;

**Appendix A—[Vocational-Technical] Career Education
Certificates**

Agricultural Education

Agricultural Business
Agricultural Education
Agricultural Mechanics
Agricultural Processing
Agricultural Production
Agricultural Resources
Agricultural Services/Supplies
Forestry
Horticulture

Business Education

[*Accounting*
Computer Programming/Network Administration
General Office and Information Processing
Vocational Business Education

Vocational Business Education with Coop]
Career Business Education**Family and Consumer Sciences Education**

Apparel and Textiles
 Dietetic Services
 Food Production, Management and Related Services
 Housing and Home Environments
 Human Development/Adult Development and Aging
 Human Development/Child Care
[Vocational Family and Consumer Sciences, Other]
Career Family and Consumer Sciences

Health Sciences

Dental Assistant *
 Dental Hygienist *
 Dental Laboratory Technician
 Diagnostic Medical Sonography Technician *
 Emergency Medical Technology/Technician *
 Funeral Service and Mortuary Science *
 Health Aide (Health Services Assistant) *
*[Health Occupations Coop *]*
 Health Professions and Related Sciences, Other
 Health Unit Coordinator/Ward Clerk
 Licensed Practical Nursing (LPN Training) *
 Massage Therapy *
 Medical Assistant *
[Medical Health Services, Other]
 Medical Laboratory Assistant *
 Medical Laboratory Technician *
 Medical Radiologic Technology/Technician *
 Medical Record Technology/Technician
 (Health Information Technology) *
 Medical Transcription *
 Nursing Assistant/Aide *
 Nursing, Other *
 Occupational Therapy Assistant *
 Pharmacy Technician/Assistant *
 Physical Therapy Assistant *
 Registered Nursing (RN Training) *
 Respiratory Therapy Technician *
 Sign Language Interpreter *
 Surgical/Operating Room Technology *

Marketing [and Cooperative] Education
[Cooperative Vocational Education
Marketing Education] Marketing**Trade and Industrial Education**

Aircraft Mechanic/Technician, Airframe *
 Aircraft Mechanic/Technician, Powerplant *
[Applied Mathematics, General]
 Architectural Engineering Technology/Technician
 Auto/Automotive Body Repairer
 Auto/Automotive Mechanic/Technician
 Automotive Engineering Technology/Technician
 Aviation Systems and Avionics Maintenance
 Technologist/Technician *
 Biomedical Engineering-Related Technology/Technician
 Building/Property Maintenance and Manager
 Cabinet Maker and Millworker
 Carpenter
 Chemical Technology/Technical
 Civil Engineering/Civil Technology/Technician
[Civil/Structural Drafting]
 Commercial Photography
 Communications Systems Installer and Repairer
[Communications Technology]

Computer Installer and Repairer
 Computer Maintenance Technology/Technician
 Construction and Building Finishers and Managers, Other
 Construction Equipment Operator
 Construction Trades, Other
 Construction/Building Technology/Technician
 Cosmetic Services, Other
 Cosmetologist *
 Culinary Arts
[Desktop Publishing Equipment Operator]
 Diesel Engine Mechanic and Repairer
 Drafting, General
[Drafting, Other]
 Drycleaner and Launderer (Commercial)
[Educational/Instructional Media Technology/Technician]
 Electrical and Electronics Equipment Installer and Repairer,
 General
 Electrical and Electronics Equipment Installer and Repairer, Other
 Electrical and Power Transmission Installer, General
 Electrical, Electronic and Communications Engineering
 Technology/Technician
 Electrician
 Electromechanical Technology/Technician
[English Technical and Business Writing]
 Fire Protection and Safety Technology/Technician
 Fire Science/Firefighting
 Food and Beverage/Restaurant Operations Manager
 Graphic and Printing Equipment Operator, General
 Graphic and Printing Equipment Operator, Other
 Graphic Design, Commercial Art and Illustration
 Heating, Air Conditioning and Refrigeration Mechanic and
 Repairer
 Heavy Equipment Maintenance and Repairer
 Industrial Design
 Industrial Electronics Installer and Repairer
 Industrial Equipment Maintenance and Repairer, Other
 Industrial Machinery Maintenance and Repairer
 Industrial Production Technologies/Technicians, Other
 Industrial Technology/Technician
 Instrumentation Technology/Technician
 Ironworking/Ironworker
 Laser and Optical Technology/Technician
 Law Enforcement/Police Science
 Machinist/Machine Technologist
 Major Appliance Installer and Repairer
 Manufacturing Technology
 Marine Maintenance and Ship Repairer
 Mason and Tile Setter
 Mechanical Engineering/Mechanical Technology/Technician
 Motorcycle Mechanic and Repairer

Nuclear Engineering Technology/Technician

Occupational Safety and Health Technology/Technician
 Painter and Wall Coverer
 Pipefitting/Pipefitter and Sprinkler Fitter
 Plumbing Technology/Plumber
 Quality Control Technology/Technician
 Radio and Television Broadcasting Technology/Technician
 Robotics Technology/Technician
 Sheet Metal Worker
 Small Engine Mechanic and Repairer
[Tool and Die Maker/Technologist]
[Trade and Industrial Internship]
 Truck, Bus and Other Commercial Vehicle Operator
 Upholsterer
 Vehicle and Mobile Equipment Mechanics and Repairer, Other
 Water Quality and Wastewater Treatment Technology/Technician
 Welder/Welding Technologist
 * Requires Professional Licensing

AUTHORITY: sections 168.011 and 168.405, RSMo 2000 and 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo [Supp. 2003] Supp. 2004. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attn: Dr. Charles Brown, Assistant Commissioner, Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.360 Certificate of License to Teach Classifications. The State Board of Education is amending sections (1), (2), (15), (18), (19) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the certification requirements for educators in the *Compendium of Missouri Certification Requirements*.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Certificates of license to teach are issued and renewed by the State Board of Education (board) pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule, and the rules promulgated by the board. Anyone interested in viewing or requesting a copy of the compendium (revised September 2004) may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

(2) Effective dates for initial certificates of license to teach, except for substitutes [and adult education and literacy] certificates of license to teach, are as follows:

(15) Administrator certificates of license to teach may be issued to an individual [for five (5) or ten (10) years] and [may be] renewed pursuant to the requirements found in the compendium and the rules promulgated by the board.

(18) [Vocational-technical] Career education certificates of license to teach may be issued to an individual [for two (2) or five (5) years] and [may be] renewed pursuant to the requirements found in the compendium and the rules promulgated by the board.

(19) Adult education and literacy certificates of license to teach may be issued to an individual [for three (3) or ten (10) years] and [may be] renewed pursuant to the requirements found in the compendium and the rules promulgated by the board.

AUTHORITY: sections 168.011, 168.128, 168.405 and 168.409, RSMo 2000 and 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo [Supp. 2003] Supp. 2004. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Oct. 25, 2001, effective June 30, 2002. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attn: Dr. Charles Brown, Assistant Commissioner, Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.380 Required Assessments for Professional Education Certification in Missouri. The State Board of Education is amending subsection (1)(A), section (2), Appendix A and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the required assessment for professional certification in the *Compendium of Missouri Certification Requirements*.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Each applicant seeking a Missouri certificate of license to teach will successfully complete an exit assessment to measure the applicant's competency in subject matter, pedagogical knowledge, or both, prior to being granted the certificate. An exemption exists if the applicant holds a valid certificate of license to teach from another state.

(A) The State Board of Education (board) has selected the Praxis II: Content Knowledge or Specialty Area assessments and the Principles of Learning and Teaching assessments developed by the Educational Testing Service (ETS) as the exit assessments for certificates of license to teach. Qualifying scores are established by the board and published by ETS for each assessment designated for an area of certification.

1. Applicants seeking initial certificates of license to teach must complete and achieve a Missouri qualifying score in the content knowledge or specialty area assessment in their major area of preparation or the appropriate principles of learning and teaching assessment if no content knowledge or specialty area assessment is designated, except in the areas of special education, student services, and administration (see Appendix A, which is included herein).

2. Applicants holding a valid Missouri professional or life certificate of license to teach in a content area who are seeking **an** additional certificate(s) of license to teach in *[other]* **another** content area(s), will receive the additional certificate(s) upon meeting either of the following conditions:

A. Complete and achieve a Missouri qualifying score for the Praxis II content knowledge or specialty area assessment designated for the certificate of license to teach, except for the areas of unified science, special education other than mild/moderate cross-categorical disabilities, student services, administration, *[vocational-technical]* **career education**, and adult education and literacy; or

B. Successfully complete the applicable certification requirements as set forth in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule. **Anyone interested in viewing or requesting a copy of the compendium (revised September 2004) may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.**

3. Applicants holding a valid Missouri professional or life certificate of license to teach in a secondary content area who are seeking additional certification for middle school in the same content area, will receive the additional certification upon meeting either of the following conditions:

A. Complete and achieve a Missouri qualifying score for the Praxis II: Principles of Learning and Teaching, grades five through nine (5-9), assessment; or

B. Successfully complete the applicable certification requirements for middle school education, grades five through nine (5-9), as set forth in the compendium.

(2) Applicants seeking a certificate of license to teach in a *[vocational-technical]* **career education** area, adult education and literacy, substitute and/or temporary authorization certificate of license to teach may not be required to take an exit assessment prior to the issuance of the certificate of license to teach.

APPENDIX A
ASSESSMENTS DESIGNATED FOR CERTIFICATION IN MISSOURI

The Praxis® assessments listed below have been designated by the State Board of Education to fulfill the assessment requirement for certification in Missouri. The assessments are listed beside the certificates to which they correspond.

<u>Missouri Certificate of License to Teach</u>	<u>Test Code</u>	<u>Designated Assessment</u>
Early Childhood Education, Birth–Grade 3	/10020/20021	Early Childhood Education
Early Childhood Special Education, Birth–Grade 3	10690	Special Education: Preschool/Early Childhood
Elementary Education, Grades 1–6	10011	Elementary Education: Curriculum, Instruction, and Assessment
Middle School Education, Grades 5–9	—	—
Language Arts	10049	MS English-Language Arts: Content Knowledge
Mathematics	20069	MS Mathematics: Content Knowledge
Science	10439	MS Science: Content Knowledge
Social Science	20089	MS Social Studies: Content Knowledge
Other Middle School Subject Areas	30523	Principles of Learning and Teaching, Grades 5–9
Secondary Education, Grades 9–12 (except as noted)	—	—
Agriculture	10700	Agriculture
Art K–12, 9–12	10133	Art: Content Knowledge
Business Education	10100	Business Education
English	10041	English Language, Literature and Composition: Content Knowledge
Family and Consumer Science ^{/1/}	10120	Family and Consumer Science
[Vocational and Non-Vocational]		
Foreign Language: K–12		
French K–12	20173	French: Content Knowledge
German K–12	20181	German: Content Knowledge
Spanish K–12	10191	Spanish: Content Knowledge
Health K–12, 9–12	20550	Health Education
Industrial Technology	10050	Technology Education
Library Media Specialist, K–12	10310	Library Media Specialist
Marketing and Distributive Education	10560	Marketing Education
Mathematics	10061	Mathematics: Content Knowledge
Music: Instrumental, Vocal K–12	10113	Music: Content Knowledge
Physical Education K–9, K–12, 9–12	10091	Physical Education: Content Knowledge
Science:		
Biology	20235	Biology: Content Knowledge
Chemistry	20245	Chemistry: Content Knowledge
Earth Science	20571	Earth Science: Content Knowledge
General Science	10435	General Science: Content Knowledge
Physics	10265	Physics: Content Knowledge
Social Science	10081	Social Studies: Content Knowledge
Special Education, K–12		
Blind and Partially Sighted ^{/2/1}	10280	Teaching Students with Visual Impairments
Deaf and Hearing Impaired ^{/2/1}	10271	Education of Deaf and Hard of Hearing Students
Mild-Moderate Disabilities: Learning Disabled, Behavioral Disordered, Mentally Handicapped, or Physical and Other Health Impairments ^{/2/1}	20353	Education of Exceptional Students: Core Content Knowledge
Mild-Moderate Cross-Categorical Disabilities	20353 and 10542	Education of Exceptional Students: Core Content Knowledge
Severely Developmentally Disabled ^{/2/1}	20353 and 10544	Education of Exceptional Students: Mild to Moderate Disabilities
Speech/Theatre	10220	Education of Exceptional Students: Core Content Knowledge
Speech and Language Pathologist K–12 ^{/4/3}	20330	Education of Exceptional Students: Severe to Profound Disabilities
Unified Science ^{/3/2}	—	Speech Communication
Biology	20235	Speech-Language Pathology
Chemistry	20245	—
		Biology: Content Knowledge
		Chemistry: Content Knowledge

APPENDIX A—continued

<u>Missouri Certificate of License to Teach</u>	<u>Test Code</u>	<u>Designated Assessment</u>
Earth Science	20571	Earth Science: Content Knowledge
Physics	10265	Physics: Content Knowledge
K-12 or 9-12 teaching certification for which no specialty area assessment or content knowledge assessment is designated and a Temporary Authorization Certificate (TAC) of License to Teach	30524	Principles of Learning and Teaching, Grades 7-12
School Counselor K-8, 7-12 ^[4/3]	20420	School Guidance and Counseling
School Psychologist K-12 ^[4/3]	10400	School Psychologist
Building-Level Administrator ^[4/3]	11010	School Leaders Licensure Assessment (SLLA)
Principal K-8, 5-9, 9-12		
Special Education Administrator K-12		
[Vocational School] Career Education Director		
District-Level Administrator (Superintendent) K-12 ^[4/2]	11020	School Superintendent Assessment (SSA)

[1. Additional certification by completion of the designated assessment only is limited to Non-Vocational.]

- [2.1]. Not available by completion of the designated assessment only; also requires completion of a program of study in special education with the area of specialization from a state-approved institution.
- [3.2]. Not available by completion of the designated assessment only; also requires completion of a program of study in the unified science core with the area of specialization from a state-approved institution.
- [4.3]. Not available by completion of the designated assessment only; also requires completion of a program of study and a recommendation from a state-approved institution.

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo [Supp. 2003] Supp. 2004 and 168.011, 168.405 and 168.409, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed March 1, 2002, effective Sept. 30, 2002. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attn: Dr. Charles Brown, Assistant Commissioner, Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.400 Procedure for Potential Candidates for Missouri Certificate of License to Teach with a Criminal History to Petition the State Board of Education for Background Clearance. The State Board of Education is amending section (5).

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the procedure for potential candidates with a criminal history to petition the State Board of Education for a background clearance.

(5) The background check form is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol (**Highway Patrol**) and/or the Federal Bureau of Investigation (FBI) and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

[(A) For the purpose of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the DESE.]

[(B)](A) The applicant is responsible for **submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI** and the payment of any fees required by the *[Missouri State]* Highway Patrol and/or FBI.

AUTHORITY: sections 168.011, RSMo 2000 and 161.092, 168.021, 168.071 and 168.081, RSMo [Supp. 2003] Supp. 2004. Original rule filed Jan. 19, 2000, effective Aug. 30, 2000. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attn: Dr. Charles Brown, Assistant Commissioner, Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Mental Retardation and
Developmental Disabilities
Chapter 2—Eligibility for Services**

PROPOSED RULE

9 CSR 45-2.015 Criteria for MRDD Comprehensive Waiver Slot Assignment

PURPOSE: This rule establishes statewide policy for requesting and approving participation in the Mental Retardation and

Developmental Disabilities (MRDD) Comprehensive Home and Community-Based Waiver.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Persons eligible for services through the Mental Retardation and Developmental Disabilities (MRDD) Comprehensive Medicaid Waiver and who are in an emergency situation and who require out-of-home residential services or for whom out-of-home residential care is imminent without in-home services, will receive priority consideration in accessing a comprehensive waiver slot.

(A) The requested services must be directly related to preventing the person from entering a Medicaid institution or enabling a person to leave a Medicaid institution.

(B) Division treatment professionals must determine:

1. A community living arrangement is appropriate for the person;

2. The person is eligible for the waiver; and

3. The person chooses waiver services over institutional services.

(C) The division's Utilization Review (UR) process including prioritization of service need by assignment of a point count must be applied to all persons prior to assignment of a slot.

(2) Emergency situation is described as follows:

(A) The person is in immediate need of life-sustaining services and there is no alternative to division funding or provision of those services. Life-sustaining service is defined as a service to meet a basic human need such as food and shelter, or protection from harm;

(B) The person must be provided immediate services in order to protect another person or persons from imminent physical harm;

(C) The person is residing in an Intermediate Care Facility for persons who have Mental Retardation (ICF/MR) and has been assessed as able to live in a less restrictive arrangement in the community, the person wants to live in the community, and appropriate services and supports can be arranged through the waiver;

(D) The person is the focus of a court order;

(E) The person under age eighteen (18) requires coordinated services through several agencies to avoid court action;

(F) The person has been receiving MRDD waiver services through the Missouri Children with Developmental Disabilities Waiver (also known as the Sarah Jian Lopez Waiver), has attained age eighteen (18), and requires MRDD waiver services that are only available through the MRDD Comprehensive Waiver. This does not include participants who attain age eighteen (18) whose primary need is access to state plan services; or

(G) The person's primary caregiver has a documented terminal or severe, long-term medical condition that prevents the caregiver from continuing care in the home without access to services through the MRDD Comprehensive Waiver. Waiver services will supplement the natural and community supports the person is eligible to access but will not provide twenty-four (24) hour, seven (7) days per week support in the home. The person must be determined by the division to otherwise require more costly out-of-home services and have a UR score that substantiates the emergency need.

(3) The division director or designee may consider and may approve requests for slots when a Senate Bill 40 County Board will fund residential services for persons for whom UR has been applied and whose need meets emergency criteria.

(4) Processing Requests for Waiver Participation for Persons Who Do Not Meet the Criteria of Emergency Need.

(A) Anytime a person or the person's legal representative requests participation in the MRDD Comprehensive Medicaid Waiver, the regional center must determine if the person is eligible for the waiver, and if so, if the person wants to participate in the waiver. This includes completing the form entitled Evaluation of Need for an ICF/MR Level of Care and Eligibility for the MRDD Waiver, which is incorporated by reference as part of this rule, available to the public from the Department of Mental Health, Division of Mental Retardation and Developmental Disabilities, PO Box 687, Jefferson City, MO 65102.

(B) If the person is determined eligible, but the UR process including the prioritization of service need has not been done, the regional center must complete this process.

(C) If the person is eligible, but does not meet the emergency criteria need, the person's name will be placed on a waiver waiting list. Persons on the waiting list will be served according to the UR score that prioritizes need.

(D) The regional center must send written notification of the results of the eligibility determination to the person or the person's legal representative that includes appeal rights regardless of whether the person is determined eligible and placed on a waiting list or is determined ineligible for the waiver.

(5) Crisis Intervention Services. If a person requires crisis intervention services and the person is not in the comprehensive waiver, the person cannot be enrolled in the comprehensive waiver on a temporary basis. The process for accessing the comprehensive waiver must be the same for all persons.

(6) Waiver Participant Turnover.

(A) Funds freed up due to participants leaving the waiver (turnover) will first be used for persons served in the waiver who have increased needs and to serve persons who meet emergency need criteria. When the needs of these persons are met, funds that become available from turnover may be used to serve a person on the waiver waiting list with the next highest UR rated priority.

(B) Turnover in a two (2) or three (3) person Individualized Supported Living (ISL) arrangement may result in no funds that can be redirected if the same level of staffing must be maintained causing the cost for the remaining resident(s) to increase.

1. When an opening occurs in such a living arrangement, the regional center will determine if a person in the region, district, or state meeting emergency criteria chooses this living arrangement (including location); and if the current resident(s) also chooses the person being referred.

2. If the arrangement is not acceptable to persons meeting emergency criteria, the regional center will determine if the living arrangement is acceptable and appropriate for a person with the next highest UR rated priority on the waiting list.

3. If it is not, the regional center may request a waiver slot be used for a person on the waiting list in the region or district according to prioritized need.

(7) Once a person is assigned a comprehensive waiver slot, the slot follows the person within the state as long as the person remains eligible for the waiver. A regional center director can immediately resolve emergency situations for persons who have an assigned comprehensive waiver slot without obtaining approval from the division director or a designee.

(8) Terminating Waiver Participation.

(A) Persons shall be terminated from the waiver if the division cannot assure the person's health and safety living in the community, or if the person:

1. Is determined by the division to no longer meet ICF/MR level of care or to no longer require waiver services;

2. Voluntarily requests discharge from waiver services;

3. Becomes ineligible for Medicaid;

4. Moves from the state;

5. Refuses services or otherwise does not use waiver services; or

6. Moves to a Medicaid institution.

(B) Each person who is terminated must be notified in writing they are being terminated, the reason for the termination action, effective date, and appeal rights.

AUTHORITY: section 630.050, RSMo 2000. Emergency rule filed Oct. 1, 2004, effective Oct. 15, 2004, expires April 15, 2005. Original rule filed Oct. 1, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule by writing to Kay Green, Deputy Division Director—Federal Programs, Division of Mental Retardation and Developmental Disabilities, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 90—State Parks

Chapter 2—State Parks Administration

PROPOSED AMENDMENT

10 CSR 90-2.020 Park Management. The division is adding a new section (19).

PURPOSE: This amendment adds requirements to control the carrying of concealed weapons within Missouri state parks and state historic sites.

(19) Carrying a firearm or any other weapon as defined by section 571.030, RSMo readily capable of lethal use into buildings and facilities open to the general public, including but not limited to restaurants, campgrounds, visitors centers, lodges, rooms, cabins, park facilities, picnic areas, caves, beaches, tours and programs open to park visitors, is prohibited. This prohibition shall not apply to park rangers, state and federal law enforcement officers, peace officers, probation and parole officers, wardens and superintendents of prisons or penitentiaries, members of the armed forces and national guard, persons vested with judicial authority by the state or federal court, and members of the state General Assembly, acting in their official capacity. This prohibition shall not apply to instances when the firearm or weapon is used solely as a curio, ornament or keepsake, or is used in a manner related to a dramatic performance or special event that is permitted by the department. Lawful possession of a firearm by a person in a vehicle located in a parking area upon the premises of any area referenced in this rule shall not be prohibited so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. The provisions of this rule shall not alter rules relating to hunting in Missouri state parks and historic sites as governed by Chapter 252 and section 253.200, RSMo, the Wildlife Code of Missouri, or 10 CSR 90-2.030.

AUTHORITY: section 253.035, RSMo 2000. Original rule filed May 17, 1954, effective May 27, 1954. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 30, 2004.

PUBLIC COST: This proposed amendment will cost the Department of Natural Resources eight hundred fifty dollars and seventy-five cents (\$850.75) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with William Blake, Operations Program, Division of State Parks, PO Box 760, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST****I. RULE NUMBER**

Rule Number and Name:	10 CSR 90-2.020 Park Management
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
DNR/DSP/Operations Program	\$850.75

III. WORKSHEET

The price of each sign is \$2.05 made at our sign shop. We plan to put 5 signs at each of the Missouri state parks/historic sites. We have 83 such parks/sites for a total of 415 signs.

$$415 \times \$2.05 = \$850.75$$

IV. ASSUMPTIONS

Since these signs are made of aluminum, their life expectancy will be 10 years plus.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children's Division
Chapter 80—Payment of Residential Facilities**

PROPOSED AMENDMENT

13 CSR 35-80.010 Residential Foster Care Maintenance Methodology. The division is deleting section (5).

PURPOSE: This amendment removes the termination date of this rule, in order to ensure federal funding and compliance with a court order issued by The United States District Court for the Western District (Central Division).

[(5) This rule shall terminate on October 15, 2004.]

AUTHORITY: section 207.020, RSMo 2000. Emergency rule filed Jan. 16, 2004, effective Jan. 26, 2004, expired July 23, 2004. Original rule filed Jan. 16, 2004, effective Aug. 30, 2004. Emergency amendment filed Sept. 22, 2004, effective Oct. 2, 2004, expires March 30, 2005. Amended: Filed Sept. 22, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Children's Division, 615 Howerton, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children's Division
Chapter 80—Payment of Residential Facilities**

PROPOSED AMENDMENT

13 CSR 35-80.020 Residential Care Agency Cost Reporting System. The division is deleting section (7).

PURPOSE: This amendment removes the termination date of this rule, in order to ensure federal funding and compliance with a court order issued by The United States District Court for the Western District (Central Division).

[(7) This rule shall terminate on October 15, 2004.]

AUTHORITY: section 207.020, RSMo 2000. Emergency rule filed Jan. 16, 2004, effective Jan. 26, 2004, expired July 23, 2004. Original rule filed Jan. 16, 2004, effective Aug. 30, 2004. Emergency amendment filed Sept. 22, 2004, effective Oct. 2, 2004, expires March 30, 2005. Amended: Filed Sept. 22, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Children's Division, 615 Howerton, Jefferson City, MO 65102. To be

considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 19—Energy Assistance**

PROPOSED AMENDMENT

13 CSR 40-19.020 Low Income Home Energy Assistance Program. The Family Support Division is amending section (3) to reflect changes made in income levels based on federal poverty guidelines and also section (4) to remove military personnel not living in the home as being ineligible household members.

PURPOSE: This amendment is being made to adjust the monthly income amounts on the LIHEAP Income Ranges Chart and to remove military personnel on active duty from being ineligible household members.

(3) Primary eligibility requirements for this program are as follows:

(D) Each household must have a monthly income no greater than the specific amounts based on household size as set forth in the Low Income Home Energy Assistance Program (LIHEAP) Income Ranges Chart. If the household size and composition of a LIHEAP applicant household can be matched against an active food stamp case reflecting the same household size and composition, monthly income for LIHEAP will be established by using the monthly income documented in the household's food stamp file.

LIHEAP INCOME RANGES CHART

Monthly Income Amounts

Household Size	Income Range	Income Range	Income Range	Income Range	Income Range
1	\$0-187	\$188-375	\$376-563	\$564-751	\$752-935
2	\$0-253	\$254-507	\$508-761	\$762-1,015	\$1,016-1,263
3	\$0-318	\$319-637	\$638-956	\$957-1,275	\$1,276-1,590
4	\$0-383	\$384-767	\$768-1,151	\$1,152-1,535	\$1,536-1,917
5	\$0-449	\$450-899	\$900-1,349	\$1,350-1,799	\$1,800-2,244
6	\$0-514	\$515-1,029	\$1,030-1,544	\$1,545-2,059	\$2,060-2,571
7	\$0-580	\$581-1,161	\$1,162-1,742	\$1,743-2,323	\$2,324-2,898
8	\$0-645	\$646-1,291	\$1,292-1,937	\$1,938-2,583	\$2,584-3,225
9	\$0-710	\$711-1,421	\$1,422-2,132	\$2,133-2,843	\$2,844-3,552
10	\$0-776	\$777-1,553	\$1,554-2,330	\$2,331-3,107	\$3,108-3,879
11	\$0-841	\$842-1,683	\$1,684-2,525	\$2,526-3,367	\$3,368-4,206
12	\$0-907	\$908-1,815	\$1,816-2,723	\$2,724-3,631	\$3,632-4,533
13	\$0-972	\$973-1,945	\$1,946-2,918	\$2,919-3,891	\$3,892-4,860
14	\$0-1,038	\$1,039-2,077	\$2,078-3,116	\$3,117-4,155	\$4,156-5,188
15	\$0-1,103	\$1,104-2,207	\$2,208-3,311	\$3,312-4,415	\$4,416-5,515
16	\$0-1,168	\$1,169-2,337	\$2,338-3,506	\$3,507-4,675	\$4,676-5,842
17	\$0-1,234	\$1,235-2,469	\$2,470-3,704	\$3,705-4,939	\$4,940-6,169
18	\$0-1,299	\$1,300-2,599	\$2,600-3,899	\$3,900-5,199	\$5,200-6,496
19	\$0-1,365	\$1,366-2,731	\$2,732-4,097	\$4,098-5,463	\$5,464-6,823
20	\$0-1,430	\$1,431-2,861	\$2,862-4,292	\$4,293-5,723	\$5,724-7,150]

LIHEAP INCOME RANGES CHART

Monthly Income Amounts

Household Size	Income Range	Income Range	Income Range	Income Range	Income Range
1	\$0-194	\$195-389	\$390-584	\$585-779	\$780-970
2	\$0-260	\$261-521	\$522-782	\$783-1,043	\$1,044-1,301
3	\$0-326	\$327-653	\$654-980	\$981-1,307	\$1,308-1,632
4	\$0-393	\$394-787	\$788-1,181	\$1,182-1,575	\$1,576-1,964
5	\$0-459	\$460-919	\$920-1,379	\$1,380-1,839	\$1,840-2,295
6	\$0-525	\$526-1,051	\$1,052-1,577	\$1,578-2,103	\$2,104-2,626
7	\$0-591	\$592-1,183	\$1,184-1,775	\$1,776-2,367	\$2,368-2,957
8	\$0-658	\$659-1,317	\$1,318-1,976	\$1,977-2,635	\$2,636-3,289
9	\$0-724	\$725-1,449	\$1,450-2,174	\$2,175-2,899	\$2,900-3,620
10	\$0-790	\$791-1,581	\$1,582-2,372	\$2,373-3,163	\$3,164-3,951
11	\$0-856	\$857-1,713	\$1,714-2,570	\$2,571-3,427	\$3,428-4,282
12	\$0-923	\$924-1,847	\$1,848-2,771	\$2,772-3,695	\$3,696-4,614
13	\$0-989	\$990-1,979	\$1,980-2,969	\$2,970-3,959	\$3,960-4,945
14	\$0-1,055	\$1,056-2,111	\$2,112-3,167	\$3,168-4,223	\$4,224-5,276
15	\$0-1,121	\$1,122-2,243	\$2,244-3,365	\$3,366-4,487	\$4,488-5,607
16	\$0-1,188	\$1,189-2,377	\$2,378-3,566	\$3,567-4,755	\$4,756-5,939
17	\$0-1,254	\$1,255-2,509	\$2,510-3,764	\$3,765-5,019	\$5,020-6,270
18	\$0-1,320	\$1,321-2,641	\$2,642-3,962	\$3,963-5,283	\$5,284-6,601
19	\$0-1,386	\$1,387-2,773	\$2,774-4,160	\$4,161-5,547	\$5,548-6,932
20	\$0-1,453	\$1,454-2,907	\$2,908-4,361	\$4,362-5,815	\$5,816-7,264

(4) Household members meeting any of the following conditions will not be eligible to receive LIHEAP benefits:

(C) Individuals not considered as household members. This will include roomers, boarders, live-in attendants and students *[or military personnel]* that are not actually residing in the home;

AUTHORITY: section 207.020, RSMo 2000. Emergency rule filed Nov. 26, 1980, effective Dec. 6, 1980, expired March 11, 1981. Original rule filed Nov. 26, 1980, effective March 12, 1981. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 24, 2004, effective Oct. 4, 2004, expires April 1, 2005. Amended: Filed Sept. 24, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Family Support Division, PO Box 2320, Jefferson City, MO 65103. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

PROPOSED AMENDMENT

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA).
The division is adding section (12).

PURPOSE: This amendment will establish the Federal Reimbursement Allowance (FRA) assessment for SFY 2005 at 5.53%.

(12) Federal Reimbursement Allowance (FRA) for State Fiscal Year 2005. The FRA assessment for State Fiscal Year (SFY) 2005 shall be determined at the rate of five and fifty-three hundredths percent (5.53%) of the hospital's total operating revenue less tax revenue/other government appropriations plus nonoperating gains and losses as published by the Missouri Department of Health and Senior Services, Section of Health Statistics. The base financial data for 2001 will be annualized, if necessary, and will be adjusted by the trend factor listed in 13 CSR 70-15.010(3)(B) to determine revenues for the current state fiscal year. The financial data that is submitted by the hospitals to the Missouri Department of Health and Senior Services is required as part of 19 CSR 10-33.030 Reporting Financial Data by Hospitals. If the pertinent information is not available through the Department of Health and Senior Services' hospital database, the Division of Medical Services will use the Medicaid data similarly defined from the Medicaid cost report that is required to be submitted pursuant to 13 CSR 70-15.010(5)(A).

AUTHORITY: sections 208.201, 208.453 and 208.455, RSMo 2000. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Jan. 15, 1993, effective Jan. 25, 1993, expired May 24, 1993. Original rule filed Sept. 21, 1992, effective June 7, 1993. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 10, 2004, effective Sept. 20, 2004, expires March 18, 2005. Amended: Filed Sept. 27, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate in SFY 2005.

PRIVATE COST: This proposed amendment is expected to cost private entities \$635,597,499 in SFY 2005.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

FISCAL NOTE**PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
130	Hospitals	SFY 2005 - \$635,597,499

III. WORKSHEET

The fiscal note is based on establishing the SFY 2005 FRA assessment percentage at 5.53%.

IV. ASSUMPTIONS

The SFY 2005 FRA assessment is based on total operating revenue less tax revenue/other government appropriations plus non-operating gains and losses of approximately \$11.5 billion multiplied by 5.53%. The 130 hospitals reported above include 40 hospitals that are owned or controlled by state, county, city or hospital districts. The impact on these hospitals is \$103,893,863.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 20—Communicable Diseases**

PROPOSED AMENDMENT

19 CSR 20-20.010 Definitions Relating to Communicable, Environmental and Occupational Diseases. The Department of Health and Senior Services proposes to amend sections (9), (10), (24) and (33), add sections (26) and (39), and renumber sections (27)–(38).

PURPOSE: This amendment adds definition(s) for “Methicillin-resistant Staphylococcus aureus (MRSA), nosocomial,” “Vancomycin-resistant Enterococci (VRE), nosocomial,” and “Varicella (Chickenpox)” and changes the name from the Department of Health to the Department of Health and Senior Services.

(9) Designated representative is any person or group of persons appointed by the director of the Department of Health and Senior Services to act on behalf of the director or the State Board of Health.

(10) Director is the state Department of Health and Senior Services director.

(24) Local health authority is the city or county health officer, director of an organized health department or of a local board of health within a given jurisdiction. In those counties where a local health authority does not exist, the health officer or administrator of the Department of Health and Senior Services district in which the county is located shall serve as a local health authority.

(26) Methicillin-resistant *Staphylococcus aureus* (MRSA), vancomycin-resistant *Enterococci* (VRE), and nosocomial infection are:

(A) MRSA shall be defined as *S. aureus* strains that are resistant to oxacillin, nafcillin and methicillin; historically termed MRSA. These organisms are resistant to all β -lactam agents, including cephalosporins and carbapenems. (NOTE: MRSA isolates are often resistant to other multiple, commonly used classes of antimicrobial agents, including erythromycin, clindamycin, and tetracycline.)

(B) VRE shall be defined as *Enterococci* that possess intrinsic or acquired resistance to vancomycin. Several genes, including *vanA*, *vanB*, *vanC*, *vanD*, and *vanE*, contribute to resistance to vancomycin in *Enterococci*.

(C) Nosocomial infection shall be defined by the national Centers for Disease Control and Prevention and applied to infections within hospitals, ambulatory surgical centers, and other facilities.

[(26)](27) Outbreak or epidemic is the occurrence in a community or region of an illness(es) similar in nature, clearly in excess of normal expectancy and derived from a common or a propagated source.

[(27)](28) Period of communicability is the period of time during which an etiologic agent may be transferred, directly or indirectly, from an infected person to another person or from an infected animal to a person.

[(28)](29) Person is any individual, partnership, corporation, association, institution, city, county, other political subdivision authority, state agency or institution or federal agency or institution.

[(29)](30) Pesticide poisoning means human disturbance of function, damage to structure or illness, which results from the inhalation, absorption or ingestion of any pesticide.

[(30)](31) Poisoning means injury, illness or death caused by chemical means.

[(31)](32) Quarantine is a period of detention for persons or animals that may have been exposed to a reportable disease. The period of time will not be longer than the longest period of communicability of the disease. The purpose of quarantine is to prevent effective contact with the general population.

(A) Complete quarantine is a limitation of freedom of movement of persons or animals exposed to a reportable disease, for a period of time not longer than the longest period of communicability of the disease, in order to prevent effective contact with the general population.

(B) Modified quarantine is a selective, partial limitation of freedom of movement of persons or animals determined on the basis of differences in susceptibility or danger of disease transmission. Modified quarantine is designed to meet particular situations and includes, but is not limited to, the exclusion of children from school, the closure of schools and places of public or private assembly and the prohibition or restriction of those exposed to a communicable disease from engaging in a particular occupation.

[(32)](33) Reportable disease is any disease or condition for which an official report is required. Any unusual expression of illness in a group of individuals, which may be of public health concern, is reportable and shall be reported to the local health department, local health authority or the Department of Health and Senior Services by the quickest means.

[(33)](34) Small quantity generator of infectious waste is any person generating one hundred kilograms (100 kg) or less of infectious waste per month and as regulated in 10 CSR 80.

[(34)](35) Terrorist event is the unlawful use of force or violence committed by a group or individual against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. Terrorist attacks are classified as chemical, biological, or radiological.

(A) Chemical means any weapon that is designed or intended to cause widespread death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or precursors of toxic or poisonous chemicals.

(B) Biological means any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product.

(C) Radiological means any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

[(35)](36) Toxic substance is any substance, including any raw materials, intermediate products, catalysts, final products or by-products of any manufacturing operation conducted in a commercial establishment that has the capacity through its physical, chemical or biological properties to pose a substantial risk of death or impairment, either immediately or later, to the normal functions of humans, aquatic organisms or any other animal.

[(36)](37) Unusual diseases—Examples include, but are not limited to, the following:

(A) Diseases uncommon to a geographic area, age group, or anatomic site;

(B) Cases of violent illness resulting in respiratory failure;

(C) Absence of a competent natural vector for a disease; or

(D) Occurrence of hemorrhagic illness.

[(37)](38) Unusual manifestation of illness—Examples include, but are not limited to, the following:

(A) Multiple persons presenting with a similar clinical syndrome at a steady or increasing rate;

(B) Large numbers of rapidly fatal cases, with or without recognizable signs and symptoms;

(C) Two (2) or more persons, without a previous medical history, presenting with convulsions;

(D) Persons presenting with grayish colored tissue damage; or

(E) Adults under the age of fifty (50) years, without previous medical history, presenting with adult respiratory distress syndrome (ARDS).

(39) Varicella (Chickenpox) severity of illness shall include the following categories:

(A) Mild—less than fifty (50) lesions (able to count lesions within thirty (30) seconds);

(B) Moderate—fifty to five hundred (50–500) lesions (anything in between mild and severe); and

(C) Severe—more than five hundred (500) lesions (difficult to see the skin) or lesions with complications.

AUTHORITY: sections 192.006, [RSMo Supp, 1999] 192.020 and 260.203, RSMo [1994] 2000. This rule was previously filed as 13 CSR 50-101.010. Original rule filed July 15, 1948, effective Sept. 13, 1948. Rescinded and readopted: Filed Dec. 11, 1981, effective May 13, 1982. Amended: Filed Aug. 16, 1988, effective Dec. 29, 1988. Amended: Filed Aug. 14, 1992, effective April 8, 1993. Amended: Filed Sept. 15, 1995, effective April 30, 1996. Emergency amendment filed June 1, 2000, effective June 15, 2000, expired Dec. 11, 2000. Amended: Filed June 1, 2000, effective Nov. 30, 2000. Amended: Filed Oct. 1, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Bryant McNally, Director, Division of Environmental Health and Communicable Disease Prevention, PO Box 570, Jefferson City, MO 65102-0570, Phone (573) 751-6080. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 20—Division of Environmental Health and Communicable Disease Prevention Chapter 20—Communicable Diseases

PROPOSED AMENDMENT

19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases. The Department of Health and Senior Services proposes to amend subsection (1)(A), sections (2), (4), and (5) and add subsections (2)(A), (2)(B), (5)(B), (5)(C) and sections (7) and (9) and renumber the remaining sections.

PURPOSE: This amendment adds the requirement to report seven (7) conditions found on the Centers for Disease Control and Prevention (CDC) Nationally Notifiable Disease Listing (NNDL); replaces “Methemoglobinemia” with “Methemoglobinemia, environmentally-induced”; adds Shiga toxin positive, unknown organism; modifies the titles of eleven (11) conditions to standardize them with those found within the CDC NNDL; and re-categorizes ten (10) conditions within the reporting rule.

(1) Category I diseases or findings shall be reported to the local health authority or to the Department of Health and Senior Services within twenty-four (24) hours of first knowledge or suspicion by telephone, facsimile or other rapid communication. Category I diseases or findings are—

(A) Diseases, findings or agents that occur naturally or from accidental exposure:

Animal (mammal) bite wound, humans

Diphtheria

***Escherichia coli* O157:H7**

***Escherichia coli*, shiga toxin positive, serogroup non-O157:H7**

***Haemophilus influenzae*, invasive disease**

Hantavirus pulmonary syndrome

Hemolytic uremic syndrome (HUS), post-diarrheal

Hepatitis A

[*Hyperthermia*

Hypothermia]

Influenza[, *suspected—nosocomial outbreaks and*]/—associated public and/or private school closures

Lead (blood) level greater than or equal to forty-five micrograms per deciliter ($\geq 45 \mu\text{g/dl}$) in any person equal to or less than seventy-two (≤ 72) months of age

Measles (rubeola)

Meningococcal disease, invasive

Outbreaks (**including nosocomial**) or epidemics of any illness, disease or condition that may be of public health concern

Pertussis

Poliomyelitis

Rabies, animal or human

Rubella, including congenital syndrome

Severe Acute Respiratory Syndrome-associated Coronavirus (SARS-CoV) Disease

Shiga toxin positive, unknown organism

Shigellosis

[*Staphylococcus aureus*, *vancomycin resistant*]

***Streptococcus pneumoniae*, [invasive in children list than five (5) years] drug resistant invasive disease**

[*Syphilis*, including congenital syphilis]

Tetanus

Tuberculosis disease

Typhoid fever (***Salmonella typhi***)

Vancomycin-intermediate *Staphylococcus aureus* (VISA), and

Vancomycin-resistant *Staphylococcus aureus* (VRSA)

(2) Category II diseases or findings and their reporting requirements are—

(A) Category IIA diseases or findings shall be reported to the local health authority or the Department of Health and Senior Services within three (3) days of first knowledge or suspicion. Category IIA diseases or findings are—

Acquired immunodeficiency syndrome (AIDS)

Arsenic poisoning

Blastomycosis

California serogroup viral encephalitis/meningitis

[*Campylobacter infections*]/ **Campylobacteriosis**

Carbon monoxide poisoning

CD4+ T cell count

Chancroid

Chemical poisoning, acute, as defined in the most current ATSDR CERCLA Priority List of Hazardous Substances; if terrorism is suspected, refer to subsection (1)(B)

***Chlamydia trachomatis*, infections**

Coccidioidomycosis

Creutzfeldt-Jakob disease

Cryptosporidiosis

[*Cyclosporidiosis*]/ **Cyclosporiasis**

Eastern equine viral encephalitis/meningitis

Ehrlichiosis, human granulocytic, monocytic, or other/unspecified

agent
[*Escherichia coli* O157:H7
Escherichia coli, *shiga toxin positive*, serogroup
non-O157:H7]
Giardiasis
Gonorrhea
Hansen's disease (//Leprosy)
Heavy metal poisoning including, but not limited to, cadmium and
mercury
[*Hemolytic uremic syndrome (HUS)*, *post-diarrheal*]
Hepatitis B, acute
Hepatitis B, chronic
Hepatitis B surface antigen (prenatal HBsAg) in pregnant women
Hepatitis B Virus Infection, perinatal
Hepatitis C, acute
Hepatitis C, chronic
Hepatitis non-A, non-B, non-C
Human immunodeficiency virus (HIV)-exposed newborn infant
(i.e., newborn infant whose mother is infected with HIV)
Human immunodeficiency virus (HIV) infection, as indicated by
HIV antibody testing (reactive screening test followed by a posi-
tive confirmatory test), HIV antigen testing (reactive screening
test followed by a positive confirmatory test), detection of HIV
nucleic acid (RNA or DNA), HIV viral culture, or other testing
that indicates HIV infection
Human immunodeficiency virus (HIV) test results (including both
positive and negative results) for children less than two (2) years
of age whose mothers are infected with HIV
Human immunodeficiency virus (HIV) viral load measurement
(including non-detectable results)
Hyperthermia
Hypothermia
Influenza, laboratory-confirmed
Lead (blood) level less than forty-five micrograms per deciliter
($<45 \mu\text{g/dl}$) in any person equal to or less than seventy-two
(≤ 72) months of age and any lead (blood) level in persons older
than seventy-two (>72) months of age
Legionellosis
Leptospirosis
[*Listeria monocytogenes*] **Listeriosis**
Lyme disease
Malaria
Methemoglobinemia, **environmentally-induced**
Mumps
Mycobacterial disease other than tuberculosis (MOTT)
[*Nosocomial outbreaks*]
Occupational lung diseases including silicosis, asbestosis, byssi-
nosis, farmer's lung and toxic organic dust syndrome
Pesticide poisoning
Powassan viral encephalitis/meningitis
Psittacosis
Respiratory diseases triggered by environmental contaminants
including environmentally or occupationally induced asthma and
bronchitis
Rocky Mountain spotted fever
Saint Louis viral encephalitis/meningitis
Salmonellosis
[*Shigellosis*]
Streptococcal disease, invasive, Group A
Streptococcus pneumoniae, [drug resistant invasive disease]
invasive in children less than five (5) years
Syphilis, including congenital syphilis
[*Tetanus*]
Toxic shock syndrome, staphylococcal or streptococcal
Trichinosis
Tuberculosis infection
Varicella (Chickenpox)
Varicella deaths

West Nile fever
West Nile viral encephalitis/meningitis
Western equine viral encephalitis/meningitis
[*Yersinia enterocolitica*] **Yersiniosis**

(B) Category IIB diseases or findings shall be reported directly to
the Department of Health and Senior Services quarterly.
Category IIB diseases or findings are central line-associated bac-
teremia (CLAB), surgical site infection (SSI), and ventilator-
associated pneumonia (VAP) due to—

Methicillin-resistant *Staphylococcus aureus* (MRSA), nosoco-
mial

Vancomycin-resistant *Enterococci* (VRE), nosocomial

(4) A physician, physician's assistant, nurse, hospital, clinic, or other
private or public institution providing diagnostic testing, screening or
care to any person with any disease, condition or finding listed in
sections (1)–(3) of this rule with the exception of Methicillin-resis-
tant *Staphylococcus aureus* (MRSA), nosocomial and
Vancomycin-resistant *Enterococci* (VRE), nosocomial, or who is
suspected of having any of these diseases, conditions or findings shall
make a case report to the local health authority or the Department of
Health and Senior Services, or cause a case report to be made by
their designee, within the specified time.

(5) **Except for influenza, laboratory-confirmed and Varicella
(Chickenpox);** /A/a case report as required in section (4) of this rule
shall include the patient's name, home address with zip code, date of
birth, age, sex, race, home phone number, name of the disease, con-
dition or finding diagnosed or suspected, the date of onset of the ill-
ness, name and address of the treating facility (if any) and the attend-
ing physician, any appropriate laboratory results, name and address
of the reporter, treatment information for sexually transmitted dis-
eases, and the date of report.

(B) **Influenza, laboratory-confirmed reporting as required in
section (4) of this rule shall include the patient's age group (i.e.,
0–4, 5–24, 25–64, and 65+ years) and serology/serotype (i.e., A,
B, and unknown), the local health authority jurisdiction within
which the cases occurred, and the date of report. Aggregate
patient data shall be reported weekly.**

(C) **Varicella (Chickenpox) reporting as required in section (4)
of this rule shall include the patient's name, date of birth, vacci-
nation history, and severity of illness; the local health authority
jurisdiction within which the cases occurred, and the date of
report.**

(11) **Hospitals and ambulatory surgical centers shall report on a
quarterly basis the aggregate number of nosocomial methicillin
sensitive *Staphylococcus aureus* (*S. aureus*), nosocomial *S.
aureus*, nosocomial vancomycin sensitive *Enterococci*, and noso-
comial *Enterococci* isolates. Data shall be reported directly to the
Department of Health and Senior Services. Reporting shall
include only a patient's first diagnostic nosocomial isolate of
Staphylococcus aureus (*S. aureus*) and *Enterococci* and the iso-
late's corresponding methicillin or vancomycin sensitivity; irre-
spective of location (i.e., central line-associated bacteremia, sur-
gical site infection, or ventilator-associated pneumonia) or of
other anti-microbial sensitivity(ies). Intermediate methicillin or
vancomycin sensitivity shall be reported as resistant (i.e., methi-
cillin-resistant *Staphylococcus aureus* (MRSA) or vancomycin-
resistant *Enterococci* (VRE), respectively).**

(A) **Methicillin-resistant *Staphylococcus aureus* (MRSA) and
vancomycin-resistant *Enterococci* (VRE) nosocomial infections to
be reported to the Department of Health and Senior Services are
limited to central line-associated bacteremia (CLAB), surgical
site infection (SSI), and ventilator-associated pneumonia (VAP).**

(B) **Aggregate data for patients' non-duplicative isolates of
nosocomial MRSA and VRE infections shall be reported as:**

of nosocomial *S. aureus* isolates sensitive to methicillin
(oxacillin, etc.)
of nosocomial *S. aureus* isolates

of nosocomial *Enterococci* isolates sensitive to vancomycin
of nosocomial *Enterococci* isolates

(C) Aggregate data shall be reported for the quarters January–March, April–June, July–September, and October–December within ten (10) days of the end of the quarter.

AUTHORITY: sections 192.006, 192.020, 192.139, 210.040 and 210.050, RSMo 2000. This rule was previously filed as 13 CSR 50-101.020. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 1, 2004.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions one hundred thirty thousand one hundred eighteen dollars and seventy cents (\$130,118.70) annually in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities ninety-three thousand three hundred five dollars and ninety-three cents (\$93,305.93) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Bryant McNally, Director, Division of Environmental Health and Communicable Disease Prevention, PO Box 570, Jefferson City, MO 65102-0570, Phone (573) 751-6080. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 19 Department of Health and Senior Services

Division: 20 – Environmental Health and Communicable Disease Prevention

Chapter: 20 Communicable Diseases

Type of Rule Making: Proposed Amendment

Rule Number and Name: 19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Health and Senior Services	\$123,593.00
Missouri State Public Health Laboratory	\$3,535.76
County/district health agencies	\$2,175.23
Public schools	\$815.71
	Total = \$130,118.70 annually

III. WORKSHEET

See attached Fiscal Note Worksheet: Public Entity Cost Estimate(s), July 2004

IV. ASSUMPTIONS

See attached Fiscal Note Worksheet: Public Entity Cost Estimate(s), July 2004

FISCAL NOTE WORKSHEET:**Public Entity Cost Estimate(s),****JULY 2004**

19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases.
The Department of Health and Senior Services proposes to amend Section 1.

PURPOSE: This amendment adds or modifies the requirement to report Severe Acute Respiratory Syndrome-associated Coronavirus (SARS-CoV) Disease; Hepatitis B Chronic; Hepatitis B Virus Infection, perinatal; Hepatitis C, acute; Hepatitis C, chronic; Methemoglobinemia, environmentally-induced [modified from Methemoglobinemia]; Methicillin-resistant Staphylococcus Aureus (MRSA), nosocomial; Shiga Toxin-Positive, Unknown Organism; Vancomycin-Intermediate Staphylococcus Aureus (VISA); Vancomycin-resistant Enterococci (VRE), nosocomial; and Varicella (Chickenpox).

Additionally, this amendment corrects the titles of Campylobacteriosis; Cyclosporiasis; Hansen's Disease; Influenza-associated Public and/or Private School Closures; Listeriosis; Outbreaks (including Nosocomial) or Epidemics of Any Illness, Disease or Condition of Public Health Concern; and Yersiniosis.

Finally, this amendment moves the category "Nosocomial Outbreaks" into the category "Outbreaks".

1. ADDITION OF "SEVERE ACUTE RESPIRATORY SYNDROME-ASSOCIATED CORONAVIRUS (SARS-CoV) DISEASE".

Assumption: Reporting of this condition by states to the Centers for Disease Control and Prevention (CDC) is critical. As a result, the Missouri Department of Health and Senior Services (MDHSS) places a great deal of emphasis to fully investigate each suspected case of SARS-CoV Disease to avert an immediate danger to the public health, safety or welfare of the citizens of Missouri. Even one case of SARS-CoV Disease is considered an outbreak and significant public health interventions will be applied to any potential case. Taking historical incidence into consideration, the expected number of suspected SARS-CoV Disease cases that would occur annually would be approximately five.

PUBLIC ENTITY COST TO REPORT SARS-CoV DISEASE = **\$87.96**. In general, about 25% of communicable disease reports received by MDHSS come from public sources; such as the State Public Health Laboratory, public hospital laboratories, county/district health agencies, and public schools. The remaining 75% of communicable disease reports come from private sources; such as hospitals, hospital laboratories, private laboratories, private providers, and private schools. The proportion of public to private reporting of SARS-CoV Disease is therefore estimated to be 25% and 75%, respectively. The public entity cost is then calculated by: (a) 25% of reports received by MDHSS come from public sources, (b) it takes about 4 hours per case to

fill out the questionnaire, interact with the health care provider/laboratory, and to telephonically report each case – or 4 hours of salary for a Community Health Nurse II with a typical salary of \$36,960/year (\$17.50 hour); and (c) postage of \$0.37 to mail each report, which overstates the expense since many reports will be sent electronically. The public entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
Number of Cases per Year	4.0 times the Hourly \$ Rate	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Public Entity Expense
		= c1 x c2		= c1 x c4	= c3 + c5	= .25 * c6
5	\$70.00	\$350.00	0.37¢	\$1.85	\$351.85	\$87.96

2. ADDITION OF “HEPATITIS B, CHRONIC”.

Assumption(s): Hepatitis B is a serious disease caused by a virus that attacks the liver. The virus, which is called hepatitis B virus, can cause lifelong infection, cirrhosis (scarring) of the liver, liver cancer, liver failure, and death. Hepatitis B vaccine is available for all age groups to prevent hepatitis B virus infection. In 2003, the CDC added Hepatitis B, Chronic to its list of nationally notifiable diseases.

The Office of Surveillance (OoS) estimates that there would be approximately 155 reportable cases of Hepatitis B, Chronic. This estimate was arrived at by taking assuming that 1.98% of the estimated 78,000 new cases of acute Hepatitis B will occur in Missouri, for 1,551 Missouri cases. [NOTE: In 2000, Missouri’s population (5,595,211) was 1.98% of the national total (281,421,906). The 78,000 estimate is from the Centers for Disease Control and Prevention (CDC).] Of acute Hepatitis B cases, the Hepatitis B Foundation estimates that 90% of cases in infants (<1 year) will become chronic, 50% of cases in children (1-17 years), and 10% of cases in adults (18+ years). In 2003, almost all cases of chronic Hepatitis B reported to the Missouri Health Surveillance Information System (MOHSIS) were in adults. Assuming this age distribution will generally continue, OoS estimates that 10% of the estimated 1,551 annual cases of acute Hepatitis B in Missouri will become chronic, for an estimated total of 155 new cases of chronic Hepatitis B each year. [NOTE: From 2003 onwards, approximately 120 annual cases of chronic Hepatitis B have already been reported using MOHSIS.]

In general, approximately 25% of communicable disease reports received by the MDHSS come from public sources; such as the State Public Health Laboratory, public hospital laboratories, county/district health agencies, and public schools. The remaining 75% of reports come from private sources; such as hospitals, hospital laboratories, private laboratories, private providers, and private schools.

PUBLIC ENTITY COST TO REPORT HEPATITIS B, CHRONIC = \$149.96. Public entity cost is calculated by: (a) 25% of reports received by MDHSS come from public sources; (b) it takes about 12 minutes to report each case, or 0.2 of the hourly salary of a Community Health Nurse II with a typical salary of \$36,960 (\$17.50 hour); and (c) postage of \$0.37 to mail each report, which overstates the expense since many reports will be sent electronically. The public entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
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Number of Cases per Year	0.2 times the Hourly \$ Rate	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Public Entity Expense
		= c1 x c2		= c1 x c4	= c3 + c5	= .25 * c6
155	\$3.50	\$543.00	0.37¢	\$57.35	\$599.85	\$149.96

3. ADDITION OF "HEPATITIS B VIRAL INFECTION, PERINATAL".

Assumption(s): Hepatitis B is a serious disease caused by a virus that attacks the liver. The virus can cause lifelong infection, cirrhosis of the liver, liver cancer, liver failure, and death. Hepatitis B vaccine is available for all age groups to prevent hepatitis B virus infection. During birth, the baby of an infected mother is at risk for hepatitis B virus infection. The risk of perinatal HBV infection among infants born to HBV-infected mothers ranges from 10% to 85%. Infants who become infected by perinatal transmission have a 90% risk of chronic infection, and up to 25% will die of chronic liver disease as adults. Even when not infected during the perinatal period, children of HBV-infected mothers remain at high risk of acquiring chronic HBV infection by person-to-person (horizontal) transmission during the first 5 years of life. More than 90% of these infections can be prevented if HBsAg-positive mothers are identified so that their infants can receive hepatitis B vaccine and hepatitis B immune globulin (HBIG) soon after birth. Infants born to HBV-infected mothers should be given HBIG (hepatitis B immune globulin) and vaccine within 12 hours after birth.

The CDC has recently added Hepatitis B, perinatal disease to its list of nationally notifiable diseases. An estimated 20% of infants born to HBsAg-positive mothers will become infected. In 2003, there were 74 infants born to known Hepatitis B positive mothers in Missouri. Therefore, OoS estimates that there will be 15 or fewer cases of confirmed Hepatitis B virus infection in infants each year in Missouri. [NOTE: Current reporting of acute and chronic Hepatitis B may include some perinatal Hepatitis B cases, reducing the volume of new reporting required by this proposed rule revision.]

In general, approximately 25% of communicable disease reports received by the MDHSS come from public sources; such as the State Public Health Laboratory, public hospital laboratories, county/district health agencies, and public schools. The remaining 75% of reports come from private sources; such as hospitals, hospital laboratories, private laboratories, private providers, and private schools.

PUBLIC ENTITY COST TO REPORT HEPATITIS B, PERINATAL INFECTION >/- \$14.51.

Public entity cost is calculated by: (a) 25% of reports received by MDHSS come from public sources; (b) it takes about 12 minutes to report each case, or 0.2 of the hourly salary of a Community Health Nurse II with a typical salary of \$36,960 (\$17.50 hour); and (c) postage of \$0.37 to mail each report, which overstates the expense since many reports will be sent electronically. The public entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
Number of Cases per Year	0.2 times the Hourly \$ Rate	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Public Entity Expense

		= c1 x c2		= c1 x c4	= c3 + c5	= .25 * c6
15	\$3.50	\$53.00	0.37¢	\$5.55	\$58.05	\$14.51

4. CORRECTION OF TITLE TO “HEPATITIS C, ACUTE”.

No additional public reporting costs anticipated.

5. CORRECTION OF TITLE TO “HEPATITIS C, CHRONIC”.

No additional public reporting costs anticipated.

**6. MODIFICATION OF “METHEMOGLOBINEMIA” TO
“METHEMOGLOBINEMIA, ENVIRONMENTALLY-INDUCED”.**

Assumption: Methemoglobinemia is a clinical condition in which more than 1% of hemoglobin in blood has been oxidized to the ferric form. Coma, seizures, and cardiac arrhythmias may occur with methemoglobin levels greater than 55%. Methemoglobinemia may be environmentally-induced, drug-induced, or genetically-induced. The MDHSS is interested in obtaining data for environmentally-induced cases of methemoglobinemia only.

Since 1993, there have been less than ten reported cases of methemoglobinemia due to all causes. Due to this low incidence in Missouri, the public costs associated with reporting environmentally-induced methemoglobinemia are negligible.

7. ADDITION OF “METHICILLIN-RESISTANT *STAPHYLOCOCCUS AUREUS* (MRSA), NOSOCOMIAL”.

Assumption(s): Staphylococcal bacteria (or staph) can cause serious infections, such as surgical wound infections and pneumonia. Treatment of staph infections has become more difficult because the bacteria have become resistant to various antibiotics, such as methicillin.

The “Missouri Nosocomial Infection Control Act of 2004” mandates that nosocomial MRSA infection be included in the list of reportable diseases and/or conditions. The implementation of mandated surveillance activities, specifically the collection and analysis of data on nosocomial MRSA infection from health care providers, are required as part of the legislation. These surveillance activities require the addition of an Epidemiology Specialist and a Senior Office Support Assistant.

PUBLIC ENTITY COST TO REPORT METHICILLIN-RESISTANT *STAPHYLOCOCCUS AUREUS* INFECTION = **\$61,796.50**. Public entity cost is calculated by 50% of the total personal, fringe, and expense and equipment costs incurred for an Epidemiology Specialist and a Senior Office Support Assistant. The public entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)
Position Classification	Personal Services	Fringe Benefits	Expense and Equipment	Total	Public Entity Expense

				= c1 + c2 + c3	.5 * c5
Epidemiology Specialist	41,916	16,029	16,430	74,375	37,187.50
Senior Office Support Assistant	24,984	9,554	14,680	49,218	24,609
Total	\$66,900	\$25,583	\$31,110	\$123,593	\$61,796.50

8. ADDITION OF "SHIGA TOXIN-POSITIVE, UNKNOWN ORGANISM".

Assumption(s): Disease caused by Shiga toxin-producing bacteria ranges from self-limiting diarrhea to hemorrhagic colitis and hemolytic uremic syndrome (HUS). Shiga toxin-producing bacteria have been isolated from large foodborne outbreaks, as well as sporadic cases, in North America and abroad.

Based on reporting of non-O157 and unserogrouped *E. coli* shiga toxin in Missouri for the first quarter of 2004 (n=5 reported confirmed or probable cases), it is estimated that the annual number of reported cases of "shiga toxin-positive, unknown organism" in Missouri will be approximately 20 cases.

PUBLIC ENTITY COST TO REPORT SHIGA TOXIN-POSITIVE, UNKNOWN ORGANISM INFECTION \geq \$19.35. Public entity cost is calculated by: (a) 25% of reports received by MDHSS come from public sources; (b) it takes about 12 minutes to report each case, or 0.2 of the hourly salary of a Community Health Nurse II with a typical salary of \$36,960 (\$17.50 hour); and (c) postage of \$0.37 to mail each report, which overstates the expense since many reports will be sent electronically. The public entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
Number of Cases per Year	0.2 times the Hourly \$ Rate	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Public Entity Expense
		= c1 x c2		= c1 x c4	= c3 + c5	= .25 * c6
20	\$3.50	\$70.00	0.37¢	\$7.40	\$77.40	\$19.35

9. ADDITION OF "VANCOMYCIN-INTERMEDIATE *STAPHYLOCOCCUS AUREUS*" (VISA).

Assumption(s): VISA is a specific type of antimicrobial-resistant staph bacteria. While most staph bacteria are susceptible to the antimicrobial agent vancomycin some have developed resistance. VISA infections are rare. Only eight cases of infection caused by VISA have been reported in the United States. VISA is only part of the larger problem of antimicrobial resistance in healthcare settings. Spread occurs among people having close physical contact with infected patients or contaminated material, like bandages. Strategies that can prevent antimicrobial resistance include diagnose and treat infections effectively; use antimicrobials wisely; and prevent transmission of infections.

Since only eight cases of VISA have been reported nationally, with no state reporting more than one case; it is estimated that the annual number of reported cases of “vancomycin-intermediate *staphylococcus aureus*” (VISA) in Missouri will not exceed three cases. Due to low incidence in Missouri, the public costs associated with reporting this disease are negligible.

10. ADDITION OF “VANCOMYCIN-RESISTANT *ENTEROCOCCI* (VRE), NOSOCOMIAL”.

Assumption(s): Enterococci are among the leading causes of nosocomial bacteremia, surgical wound infection, and urinary tract infection. Unfortunately, they are becoming resistant to many and sometimes all standard therapies.

The “Missouri Nosocomial Infection Control Act of 2004” mandates that nosocomial VRE infection be included in the list of reportable diseases and/or conditions. The implementation of mandated surveillance activities, specifically the collection and analysis of data on nosocomial VRE infection from health care providers, are required as part of the legislation. These surveillance activities require the addition of an Epidemiology Specialist and a Senior Office Support Assistant.

PUBLIC ENTITY COST TO REPORT VANCOMYCIN-RESISTANT *ENTEROCOCCI* INFECTION = **\$61,796.50**. Public entity cost is calculated by 50% of the total personal, fringe, and expense and equipment costs incurred for an Epidemiology Specialist and a Senior Office Support Assistant. The public entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)
Position Classification	Personal Services	Fringe Benefits	Expense and Equipment	Total	Public Entity Expense
				= c1 + c2 + c3	= .5 * c5
Epidemiology Specialist	41,916	16,029	16,430	74,375	37,187.50
Senior Office Support Assistant	24,984	9,554	14,680	49,218	24,609
Total	\$66,900	\$25,583	\$31,110	\$123,593	\$61,796.50

11. ADDITION OF “VARICELLA (CHICKENPOX)”.

Assumption(s): The Centers for Disease Control and Prevention (CDC) have urged states to track morbidity of Varicella. Additionally, to be eligible for the CDC’s Immunization Grant Funding in FY 2005, Varicella must be a reportable condition. The number of potential cases that would occur annually was calculated by taking the number of Missouri births in 2002¹ and multiplying it by the Varicella birth cohort found on CDC’s website² using the last year (1997)

¹MDHSS MICA. <http://www.dhss.state.mo.us/MVS02/Table05a.pdf>

² CDC. <http://www.cdc.gov/mmwr/preview/mmwrhtml/00056339.htm#00001948.gif>

that statistical comparisons were available for Missouri (75,167 births x 8.6% = **6,464 cases** of Varicella).

PUBLIC ENTITY COST TO REPORT VARICELLA MORBIDITY = \$6,253.92. In general, approximately 25% of communicable disease reports received by the MDHSS come from public sources; such as the State Public Health Laboratory, public hospital laboratories, county/district health agencies, and public schools. The remaining 75% of communicable disease reports come from private sources; such as hospitals, hospital laboratories, private laboratories, private providers, and private schools. The public entity cost is then calculated by: (a) 25% of reports received by MDHSS come from public sources; (b) it takes about 12 minutes to report each case, or 0.2 of the hourly salary of a Community Health Nurse II with a typical salary of \$36,960/year (\$17.50 hour); and (c) postage of \$0.37 to mail each report, which overstates the expense since many reports will be sent electronically. The public entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
Number of Cases per Year	0.2 times the Hourly \$ Rate	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Public Entity Expense
		= c1 x c2		= c1 x c4	= c3 + c5	= .25 * c6
6,464	\$3.50	\$22,624	0.37¢	\$2,391.68	\$25,015.68	\$6,253.92

12. CORRECTION OF TITLE TO “CAMPYLOBACTERIOSIS”.

No additional public reporting costs anticipated.

13. CORRECTION OF TITLE TO “CYCLOSPORIASIS”.

No additional public reporting costs anticipated.

14. CORRECTION OF TITLE TO “HANSEN’S DISEASE (LEPROSY)”.

No additional public reporting costs anticipated.

15. CORRECTION OF TITLE TO “INFLUENZA-ASSOCIATED PUBLIC AND/OR PRIVATE SCHOOL CLOSURES”.

No additional public reporting costs anticipated.

16. CORRECTION OF TITLE TO “LISTERIOSIS”.

No additional public reporting costs anticipated.

17. CORRECTION OF TITLE TO “OUTBREAKS (INCLUDING NOSOCOMIAL) OR EPIDEMICS OF ILLNESS, DISEASE OR CONDITION OF PUBLIC HEALTH CONCERN”.

No additional public reporting costs anticipated.

18. CORRECTION OF TITLE TO “YERSINIOSIS”.

No additional public reporting costs anticipated.

19. DELETION OF “NOSOCOMIAL OUTBREAKS” AS AN INDIVIDUAL REPORTABLE CATEGORY.

No additional or decreased public reporting costs anticipated.

TOTAL PUBLIC ENTITY COSTS:

\$87.96 + \$14.51 + \$149.96 + \$61,796.50 + \$19.35 + \$61,796.50 + \$6,253.92 = \$130,118.70

Table. Distribution of Total Public Entity Cost(s), by Affected Agency or Political Subdivision

Affected Agency or Political Subdivision	Portion, or Fraction, of Total Costs	Estimated Cost of Compliance
MDHSS	100% of new MDHSS staff	\$123,593.00
State Public Health Laboratory	13/24 of remaining costs	\$3,534.76
County/district health agencies	8/24 of remaining costs	\$2,175.23
Public schools	3/24 of remaining costs	\$815.71

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 19 – Department of Health and Senior Services

Division: 20 Environmental Health and Communicable Disease Prevention

Chapter: 20 – Communicable Diseases

Type of Rule Making: Proposed Amendment

Rule Number and Name: 19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities.
127	Hospitals	\$43,561.84
approximately 850	Hospital and private laboratories	\$43,819.43
approximately 12,900	Private providers	\$2,060.75
approximately 550	Private schools	\$1,030.38
	Other/unknown	\$2,833.53
		Total = \$93,305.93 annually

III. WORKSHEET

See attached Fiscal Note Worksheet: Private Entity Cost Estimate(s), July 2004

IV. ASSUMPTIONS

See attached Fiscal Note Worksheet: Private Entity Cost Estimate(s), July 2004

FISCAL NOTE WORKSHEET:

Private Entity Cost Estimate(s),

JULY 2004

19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases.
The Department of Health and Senior Services proposes to amend Section 1.

PURPOSE: This amendment adds or modifies the requirement to report Severe Acute Respiratory Syndrome-associated Coronavirus (SARS-CoV) Disease; Hepatitis B Chronic; Hepatitis B Virus Infection, perinatal; Hepatitis C, acute; Hepatitis C, chronic; Methemoglobinemia, environmentally-induced [modified from Methemoglobinemia]; Methicillin-resistant Staphylococcus aureus (MRSA), nosocomial; Shiga Toxin-Positive, Unknown Organism; Vancomycin-Intermediate Staphylococcus Aureus (VISA); Vancomycin-resistant Enterococci (VRE), nosocomial; and Varicella (Chickenpox).

Additionally, this amendment corrects the titles of Campylobacteriosis; Cyclosporiasis; Hansen's Disease; Influenza-associated Public and/or Private School Closures; Listeriosis; Outbreaks (including Nosocomial) or Epidemics of Any Illness, Disease or Condition of Public Health Concern; and Yersiniosis.

Finally, this amendment moves the category "Nosocomial Outbreaks" into the category "Outbreaks".

1. ADDITION OF "SEVERE ACUTE RESPIRATORY SYNDROME-ASSOCIATED CORONAVIRUS (SARS-CoV) DISEASE".

Assumption: Reporting of this condition by states to the Centers for Disease Control and Prevention (CDC) is critical. As a result, the Missouri Department of Health and Senior Services (MDHSS) places a great deal of emphasis to fully investigate each suspected case of SARS-CoV Disease to avert an immediate danger to the public health, safety or welfare of the citizens of Missouri. Even one case of SARS-CoV Disease is considered an outbreak and significant public health interventions will be applied to any potential case. Taking historical incidence into consideration, the expected number of suspected SARS-CoV Disease cases that would occur annually would be approximately five.

PRIVATE ENTITY COST TO REPORT SARS-CoV DISEASE = **\$263.89**. The private entity cost is calculated by: (a) 75% of reports received by MDHSS come from private sources; (b) it takes about 4 hours per case to fill out the questionnaire, interact with local public health agencies/state agencies, and to telephonically report each case – or 4.0 hours of salary of a Community Health Nurse II with a typical salary of \$36,960/year (\$17.50 hour); and (c) postage of \$0.37 to mail each report, which overstates the expense since many will be sent electronically. The private entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
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Number of Cases per Year	4.0 times the Hourly \$ Rate	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Private Entity Expense
		= c1 x c2		= c1 x c4	= c3 + c5	= .75 * c6
5	\$70.00	\$350.00	0.37¢	\$1.85	\$351.85	\$263.89

2. ADDITION OF "HEPATITIS B, CHRONIC".

Assumption(s): Hepatitis B is a serious disease caused by a virus that attacks the liver. The virus, which is called hepatitis B virus, can cause lifelong infection, cirrhosis (scarring) of the liver, liver cancer, liver failure, and death. Hepatitis B vaccine is available for all age groups to prevent hepatitis B virus infection. In 2003, the CDC added Hepatitis B, Chronic to its list of nationally notifiable diseases.

The Office of Surveillance (OoS) estimates that there would be approximately 155 reportable cases of Hepatitis B, Chronic. This estimate was arrived at by taking assuming that 1.98% of the estimated 78,000 new cases of acute Hepatitis B will occur in Missouri, for 1,551 Missouri cases. [NOTE: In 2000, Missouri's population (5,595,211) was 1.98% of the national total (281,421,906). The 78,000 estimate is from the Centers for Disease Control and Prevention (CDC).] Of acute Hepatitis B cases, the Hepatitis B Foundation estimates that 90% of cases in infants (<1 year) will become chronic, 50% of cases in children (1-17 years), and 10% of cases in adults (18+ years). In 2003, almost all cases of chronic Hepatitis B reported to the Missouri Health Surveillance Information System (MOHSIS) were in adults. Assuming this age distribution will generally continue, OoS estimates that 10% of the estimated 1,551 annual cases of acute Hepatitis B in Missouri will become chronic, for an estimated total of 155 new cases of chronic Hepatitis B each year. [NOTE: From 2003 onwards, approximately 120 annual cases of chronic Hepatitis B have already been reported using MOHSIS.]

In general, approximately 25% of communicable disease reports received by the MDHSS come from public sources; such as the State Public Health Laboratory, public hospital laboratories, county/district health agencies, and public schools. The remaining 75% of reports come from private sources; such as hospitals, hospital laboratories, private laboratories, private providers, and private schools.

PRIVATE ENTITY COST TO REPORT HEPATITIS B, CHRONIC = **\$449.89**. Private entity cost is calculated by: (a) 75% of reports received by MDHSS come from private sources; (b) it takes about 12 minutes to report each case, or 0.2 of the hourly salary of a Community Health Nurse II with a typical salary of \$36,960 (\$17.50 hour); and (c) postage of \$0.37 to mail each report, which overstates the expense since many reports will be sent electronically. The private entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
Number of Cases per Year	0.2 times the Hourly \$ Rate	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Private Entity Expense
		= c1 x c2		= c1 x c4	= c3 + c5	= .75 * c6
155	\$3.50	\$543.00	0.37¢	\$57.35	\$599.85	\$449.89

3. ADDITION OF "HEPATITIS B VIRAL INFECTION, PERINATAL".

Assumption(s): Hepatitis B is a serious disease caused by a virus that attacks the liver. The virus can cause lifelong infection, cirrhosis of the liver, liver cancer, liver failure, and death. Hepatitis B vaccine is available for all age groups to prevent hepatitis B virus infection. During birth, the baby of an infected mother is at risk for hepatitis B virus infection. The risk of perinatal HBV infection among infants born to HBV-infected mothers ranges from 10% to 85%. Infants who become infected by perinatal transmission have a 90% risk of chronic infection, and up to 25% will die of chronic liver disease as adults. Even when not infected during the perinatal period, children of HBV-infected mothers remain at high risk of acquiring chronic HBV infection by person-to-person (horizontal) transmission during the first 5 years of life. More than 90% of these infections can be prevented if HBsAg-positive mothers are identified so that their infants can receive hepatitis B vaccine and hepatitis B immune globulin (HBIG) soon after birth. Infants born to HBV-infected mothers should be given HBIG (hepatitis B immune globulin) and vaccine within 12 hours after birth.

The CDC has recently added Hepatitis B, perinatal disease to its list of nationally notifiable diseases. An estimated 20% of infants born to HBsAg-positive mothers will become infected. In 2003, there were 74 infants born to known Hepatitis B positive mothers in Missouri. Therefore, OoS estimates that there will be 15 or fewer cases of confirmed Hepatitis B virus infection in infants each year in Missouri. [NOTE: Current reporting of acute and chronic Hepatitis B may include some perinatal Hepatitis B cases, reducing the volume of new reporting required by this proposed rule revision.]

In general, approximately 25% of communicable disease reports received by the MDHSS come from public sources; such as the State Public Health Laboratory, public hospital laboratories, county/district health agencies, and public schools. The remaining 75% of reports come from private sources; such as hospitals, hospital laboratories, private laboratories, private providers, and private schools.

PRIVATE ENTITY COST TO REPORT HEPATITIS B, PERINATAL INFECTION >/-

\$43.54. Private entity cost is calculated by: (a) 75% of reports received by MDHSS come from private sources; (b) it takes about 12 minutes to report each case, or 0.2 of the hourly salary of a Community Health Nurse II with a typical salary of \$36,960 (\$17.50 hour); and (c) postage of \$0.37 to mail each report, which overstates the expense since many reports will be sent electronically. The private entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
Number of Cases per Year	0.2 times the Hourly \$ Rate	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Private Entity Expense
		= c1 x c2		= c1 x c4	= c3 + c5	= .75 * c6
15	\$3.50	\$53.00	0.37¢	\$5.55	\$58.05	\$43.54

4. CORRECTION OF TITLE TO "HEPATITIS C, ACUTE".

No additional private reporting costs anticipated.

5. CORRECTION OF TITLE TO “HEPATITIS C, CHRONIC”.

No additional private reporting costs anticipated.

6. MODIFICATION OF “METHEMOGLOBINEMIA” TO “METHEMOGLOBINEMIA, ENVIRONMENTALLY-INDUCED”.

Assumption: Methemoglobinemia is a clinical condition in which more than 1% of hemoglobin in blood has been oxidized to the ferric form. Coma, seizures, and cardiac arrhythmias may occur with methemoglobin levels greater than 55%. Methemoglobinemia may be environmentally-induced, drug-induced, or genetically-induced. The MDHSS is interested in obtaining data for environmentally-induced cases of methemoglobinemia only.

Since 1993, there have been less than ten reported cases of methemoglobinemia due to all causes. Due to low incidence in Missouri, the private costs associated with reporting environmentally-induced methemoglobinemia are negligible.

7. ADDITION OF “METHICILLIN-RESISTANT *STAPHYLOCOCCUS AUREUS* (MRSA), NOSOCOMIAL”.

Assumption(s): Staphylococcal bacteria (or staph) can cause serious infections, such as surgical wound infections and pneumonia. Treatment of staph infections has become more difficult because the bacteria have become resistant to various antibiotics, such as methicillin.

The “Missouri Nosocomial Infection Control Act of 2004” mandates that nosocomial MRSA infection be included in the list of reportable diseases and/or conditions. The implementation of mandated surveillance activities, specifically the submission of data on nosocomial MRSA infection from health care providers, are required as part of the legislation.

PRIVATE ENTITY COST TO REPORT METHICILLIN-RESISTANT *STAPHYLOCOCCUS AUREUS* INFECTION = **\$36,634.40**. Private entity cost is calculated by: (a) using a sample of eight Missouri hospitals to estimate the average staff time (in hours), by hospital bedsize (i.e., <50, 50-99, 100-199, 200-299, 300-499, 500+), to report MRSA and VRE; (b) multiplying these bedsize-specific average estimates by the 127 general and children’s orthopedic hospitals in Missouri in 2003; (c) multiplying the estimated total reporting time (in hours) by the hourly salary of a Community Health Nurse II with a typical salary of \$36,960 (\$17.50 hour); and (d) adding postage (\$0.37) for each of the hospitals to mail four quarterly reports, which overstates the expense since many reports will be sent electronically. The private entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
Number of Hours per Year	Hourly Salary Rate, in Dollars	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Private Entity Expense to Report MRSA

		= c1 x c2		= c4 x 127 * 4	= c3 + c5	= .50 * c6
4,202.33	\$17.50	\$73,540.83	0.37¢	\$187.96	\$73,728.79	\$36,634.40

8. ADDITION OF "SHIGA TOXIN-POSITIVE, UNKNOWN ORGANISM".

Assumption(s): Disease caused by Shiga toxin-producing bacteria ranges from self-limiting diarrhea to hemorrhagic colitis and hemolytic uremic syndrome (HUS). Shiga toxin-producing bacteria have been isolated from large foodborne outbreaks, as well as sporadic cases, in North America and abroad.

Based on reporting of non-O157 and unserogrouped E. coli shiga toxin in Missouri for the first quarter of 2004 (n=5 reported confirmed or probable cases), it is estimated that the annual number of reported cases of "shiga toxin-positive, unknown organism" in Missouri will be approximately 20 cases.

PRIVATE ENTITY COST TO REPORT SHIGA TOXIN-POSITIVE, UNKNOWN ORGANISM INFECTION >= **\$58.05**. Private entity cost is calculated by: (a) 75% of reports received by MDHSS come from private sources; (b) it takes about 12 minutes to report each case, or 0.2 of the hourly salary of a Community Health Nurse II with a typical salary of \$36,960 (\$17.50 hour); and (c) postage of \$0.37 to mail each report, which overstates the expense since many reports will be sent electronically. The private entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
Number of Cases per Year	0.2 times the Hourly \$ Rate	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Private Entity Expense
		= c1 x c2		= c1 x c4	= c3 + c5	= .75 * c6
20	\$3.50	\$70.00	0.37¢	\$7.40	\$77.40	\$58.05

9. ADDITION OF "VANCOMYCIN-INTERMEDIATE *STAPHYLOCOCCUS AUREUS*" (VISA).

Assumption(s): VISA is a specific type of antimicrobial-resistant staph bacteria. While most staph bacteria are susceptible to the antimicrobial agent vancomycin some have developed resistance. VISA infections are rare. Only eight cases of infection caused by VISA have been reported in the United States. VISA is only part of the larger problem of antimicrobial resistance in healthcare settings. Spread occurs among people having close physical contact with infected patients or contaminated material, like bandages. Strategies that can prevent antimicrobial resistance include diagnose and treat infections effectively; use antimicrobials wisely; and prevent transmission of infections.

Since only eight cases of VISA have been reported nationally, with no state reporting more than one case; it is estimated that the annual number of reported cases of "vancomycin-intermediate *staphylococcus aureus*" (VISA) in Missouri will not exceed three cases. Due to low incidence in Missouri, the private costs associated with reporting this disease are negligible.

10. ADDITION OF “VANCOMYCIN-RESISTANT *ENTEROCOCCI* (VRE), NOSOCOMIAL”.

Assumption(s): Enterococci are among the leading causes of nosocomial bacteremia, surgical wound infection, and urinary tract infection. Unfortunately, they are becoming resistant to many and sometimes all standard therapies.

The “Missouri Nosocomial Infection Control Act of 2004” mandates that nosocomial VRE infection be included in the list of reportable diseases and/or conditions. The implementation of mandated surveillance activities, specifically the submission of data on nosocomial VRE infection from health care providers, are required as part of the legislation.

PRIVATE ENTITY COST TO REPORT VANCOMYCIN-RESISTANT *ENTEROCOCCI* INFECTION = \$36,634.40. Private entity cost is calculated by: (a) using a sample of eight Missouri hospitals to estimate the average staff time (in hours), by hospital bedsize (i.e., <50, 50-99, 100-199, 200-299, 300-499, 500+), to report MRSA and VRE; (b) multiplying these bedsize-specific average estimates by the 127 general and children’s orthopedic hospitals in Missouri in 2003; (c) multiplying the estimated total reporting time (in hours) by the hourly salary of a Community Health Nurse II with a typical salary of \$36,960 (\$17.50 hour); and (d) adding postage (\$0.37) for each of the hospitals to mail four quarterly reports, which overstates the expense since many reports will be sent electronically. The private entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
Number of Hours per Year	Hourly Salary Rate, in Dollars	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Private Entity Expense to Report VRE
		= c1 x c2		= c4 x 127 * 4	= c3 + c5	= .50 * c6
4,202.33	\$17.50	\$73,540.83	0.37¢	\$187.96	\$73,728.79	\$36,634.40

11. ADDITION OF “VARICELLA (CHICKENPOX)”.

Assumption(s): The Centers for Disease Control and Prevention (CDC) have urged states to track morbidity of Varicella. Additionally, to be eligible for the CDC’s Immunization Grant Funding in FY 2005, Varicella must be a reportable condition. The number of potential cases that would occur annually was calculated by taking the number of Missouri births in 2002¹ and multiplying it by the Varicella birth cohort found on CDC’s website² using the last year (1997) that statistical comparisons were available for Missouri (75,167 births x 8.6% = **6,464 cases** of Varicella).

PRIVATE ENTITY COST TO REPORT VARICELLA = \$18,761.76. The private entity cost is calculated using by: (a) 75% of reports received by MDHSS come from private sources; (b) it takes about 12 minutes to report each case, or 0.2 of the hourly salary of a Community Health Nurse II with a typical salary of \$36,960/year (\$17.50 hour); and (c) postage of \$0.37 to mail

¹MDHSS MICA. <http://www.dhss.state.mo.us/MVS02/Table05a.pdf>

² CDC. <http://www.cdc.gov/mmwr/preview/mmwrhtml/00056339.htm#00001948.gif>

each report, which overstates the expense since many will be sent electronically. The private entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
Number of Cases per Year	0.2 times the Hourly \$ Rate	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Private Entity Expense
		= c1 x c2		= c1 x c4	= c3 + c5	= .75 * c6
6,464	\$3.50	\$22,624	0.37¢	\$2,391.68	\$25,015.68	\$18,761.76

12. CORRECTION OF TITLE TO “CAMPYLOBACTERIOSIS”.

No additional private reporting costs anticipated.

13. CORRECTION OF TITLE TO “CYCLOSPORIASIS”.

No additional private reporting costs anticipated.

14. CORRECTION OF TITLE TO “HANSEN’S DISEASE (LEPROSY)”.

No additional private reporting costs anticipated.

15. CORRECTION OF TITLE TO “INFLUENZA-ASSOCIATED PUBLIC AND/OR PRIVATE SCHOOL CLOSURES”.

No additional private reporting costs anticipated.

16. CORRECTION OF TITLE TO “LISTERIOSIS”.

No additional private reporting costs anticipated.

17. CORRECTION OF TITLE TO “OUTBREAKS (INCLUDING NOSOCOMIAL) OR EPIDEMICS OF ILLNESS, DISEASE OR CONDITION OF PUBLIC HEALTH CONCERN”.

No additional private reporting costs anticipated.

18. CORRECTION OF TITLE TO “YERSINIOSIS”.

No additional private reporting costs anticipated.

19. DELETION OF “NOSOCOMIAL OUTBREAKS” AS AN INDIVIDUAL REPORTABLE CATEGORY.

No additional or decreased private reporting costs anticipated.

TOTAL PRIVATE ENTITY COSTS:

$$\text{\$263.89} + \text{\$449.89} + \text{\$43.54} + \text{\$36,864.40} + \text{\$58.05} + \text{\$36,864.40} + \text{\$18,761.76} = \text{\$93,305.93}$$

Table. Distribution of Total Private Entity Cost(s), by Affected Agency or Political Subdivision

Affected Agency or Political Subdivision	Portion, or Fraction, of Total Costs	Estimated Cost of Compliance
Hospitals	1/2 of MRSA/VRE reporting and 26/76 of remaining costs	\$43,561.84
Hospital & private laboratories	1/2 of MRSA/VRE reporting and 27/76 of remaining costs	\$43,819.43
Private providers	8/76 of remaining costs	\$2,060.75
Private schools	4/76 of remaining costs	\$1,030.38
Other/unknown	11/76 of remaining costs	\$2,833.53

**Title 20—DEPARTMENT OF INSURANCE
Division 400—Life, Annuities and Health
Chapter 2—Accident and Health Insurance in General**

PROPOSED RULE

20 CSR 400-2.170 Coverage for Chiropractic Care

PURPOSE: This rule interprets section 376.1230, RSMo Supp. 2003, and the requirements placed upon health carriers with respect to their offer of coverage for chiropractic care.

(1) Definitions. When used in this regulation—

(A) Chiropractic care means care delivered by a licensed chiropractor acting within the scope of his or her practice as defined in Chapter 331, RSMo, and any regulations promulgated pursuant thereto;

(B) Director means the director of the Department of Insurance;

(C) Enrollee shall have the same meaning as is found in section 376.1350, RSMo;

(D) Health benefit plan shall have the same meaning as is found in section 376.1350, RSMo;

(E) Health carrier shall have the same meaning as is found in section 376.1350, RSMo;

(F) Participating chiropractor means a chiropractic physician who, under a contract with a health carrier or with its contractor or subcontractor, has agreed to provide chiropractic care services to enrollees with an expectation of receiving payment, other than coinsurance, co-payments or deductibles, directly or indirectly from the health carrier.

(2) Minimum Requirements. At a minimum, chiropractic care coverage offered by a health carrier pursuant to the provisions of section 376.1230, RSMo:

(A) Shall provide coverage for an initial diagnosis and any clinically appropriate and medically necessary services and supplies required to treat the diagnosed disorder for up to twenty-six (26) chiropractic physician office visits per diagnosed disorder per plan year. A health carrier shall not require an enrollee or chiropractor to give prior notice or request prior authorization as a condition to receiving coverage for any of the first twenty-six (26) chiropractic physician office visits per diagnosed disorder per plan year. Clinically appropriate and medically necessary chiropractic physician office visits in excess of twenty-six (26) per diagnosed disorder per plan year and/or any clinically appropriate and medically necessary follow-up diagnostic tests after the first twenty-six (26) office visits shall also be covered, but the health carrier may require the enrollee or chiropractor to give prior notice or request prior authorization as a condition of coverage for such excess visits and/or follow-up diagnostic tests; and

(B) Shall clearly disclose in the health benefit plan documents provided to the enrollee the availability of chiropractic care benefits under the plan and any limitations, conditions and exclusions to which the chiropractic care benefits are subject.

(3) May allow an enrollee direct access to a participating chiropractor of the enrollee's choice within the health carrier's network. For the health benefit plans that provide out-of-network benefits, the coverage may also allow an enrollee direct access to a nonparticipating chiropractor of the enrollee's choice outside the health carrier's network.

(4) A health benefit plan shall not impose any greater deductible, co-payment or coinsurance for chiropractic care than for other out-patient primary health care, nor shall it impose any dollar limits for chiropractic care that differ from the dollar limits imposed for other out-patient primary health care.

AUTHORITY: sections 374.045 and 376.777, RSMo 2000. Original rule filed Oct. 1, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 10:00 a.m. on December 6, 2004. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on December 6, 2004. Written statements shall be sent to Kevin Hall, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2004 (29 MoReg 974-976). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received a total of ten (10) comments from the Alliance of Automobile Manufacturers, Boeing, the Regulatory Environmental Group for Missouri (REGFORM), the St. Louis Regional Chamber and Growth Association (RCGA) and the U.S. Environmental Protection Agency (EPA).

COMMENT: The Alliance of Automobile Manufacturers, Boeing, REGFORM and RCGA commented that they are in support of this rule amendment.

RESPONSE: The department's Air Pollution Control Program appreciates the support for this rulemaking. No wording changes

have been made to the proposed rulemaking as a result of this comment.

COMMENT: The Alliance of Automobile Manufacturers commented that the department's Air Pollution Control Program should adopt these rule revisions into the state's nonattainment New Source Review rules as soon as possible.

RESPONSE: The department's Air Pollution Control Program intends to revise the state's nonattainment New Source Review rules as soon as possible and certainly before the January 2, 2006 submittal timeline established by EPA. In the meantime, sources in nonattainment areas will be able to take advantage of those revisions that have been implemented through changes in federal definitions to terms used in section (7) of this rule. No wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT: EPA commented that 40 CFR 52.21 is the proper section to incorporate by reference, not 40 CFR 51.166.

RESPONSE AND EXPLANATION OF CHANGE: After consideration of this comment, references to 40 CFR 51.166 throughout the proposed rule have been replaced with references to 40 CFR 52.21.

COMMENT: EPA commented that the department's Air Pollution Control Program should add a sentence stating that the provisions of 40 CFR 52.21 override any conflicting provisions or definitions in the existing rule.

RESPONSE: Certain definitions and other provisions that are not identical to those in the federal regulations were intentionally retained in the interest of regulatory certainty. While the department's Air Pollution Control Program acknowledges that it may be necessary to change these provisions and definitions in the future, to provide this certainty to the regulated community and to program staff it is important to determine if this change is necessary before making this change.

COMMENT: EPA commented that 10 CSR 10-6.060 does not provide for public notice and opportunity to comment on non-major sources, as required by 40 CFR 52.21(y)(7), relating to clean unit designations.

RESPONSE AND EXPLANATION OF CHANGE: In order to satisfy these requirements, clean unit designations have been made subject to the public participation requirements in paragraph (12)(B)3. of this rule.

COMMENT: EPA commented that 10 CSR 10-6.060 regulates the construction and modification of installations, while the federal rule regulates the construction and modification of major stationary sources. EPA comments that the definitions of these two terms are inconsistent, and therefore, the proposed amendment does not fully incorporate the federal rules as intended.

RESPONSE AND EXPLANATION OF CHANGE: After consideration of this comment, wording changes have been made to the proposed rulemaking to make the state definition and the federal definition of major stationary source consistent. The air quality analysis provisions in subsection (8)(B) of the proposed amendment, which frequently use the term installation, have been deleted in favor of the air quality analysis requirements of the federal rule. In addition, subsection (8)(C) of the proposed amendment, which refers to subsection (12)(H), which itself contains numerous uses of the term installation and substantially restates requirements already set out in 40 CFR 52.21, has also been deleted. A reference to paragraphs (8)(B)3. and 4. in subparagraph (12)(E)1.C. has been amended to refer to the equivalent federal requirements in 40 CFR 52.21(l) and 40 CFR 52.21(v).

COMMENT: EPA commented that in 40 CFR 52.21, the term administrator should refer to the director of the department's Air Pollution Control Program in some cases, while in other cases it should continue to refer to the administrator of the EPA.

RESPONSE AND EXPLANATION OF CHANGE: After consideration of this comment, language has been added to section (8) to clarify where the term administrator takes each meaning.

COMMENT: EPA commented that the department's Air Pollution Control Program should adopt the public participation requirements in 40 CFR 51.166(q) by reference.

RESPONSE AND EXPLANATION OF CHANGE: The public participation requirements in 40 CFR 51.166(q) are not compatible with the time limits for permit issuance established by the Missouri Air Conservation Law. However, section (8) is subject to the public participation requirements in subsection (12)(B) of this rule. Language has been added to section (8) to clarify this point.

COMMENT: EPA commented that section (8) should contain language stating that the department's Air Pollution Control Program should notify the EPA on each significant action taken on a permit application.

RESPONSE AND EXPLANATION OF CHANGE: EPA's suggested language has been added to section (8).

COMMENT: EPA submitted some language to clarify the department's Air Pollution Control Program's adoption by reference proposal.

RESPONSE AND EXPLANATION OF CHANGE: With the intent to make this rule as understandable as possible, the suggested language was used where possible to achieve this end. Subsection (8)(A) has been revised considering EPA's suggested language.

10 CSR 10-6.060 Construction Permits Required

(1) Applicability.

(A) Definitions.

1. Baseline area—The continuous area in which the source constructs as well as those portions of the intrastate area which are not part of a nonattainment area and which would receive an air quality impact equal to or greater than one microgram per cubic meter ($1 \mu\text{g}/\text{m}^3$) annual average (established by modeling) for each pollutant for which an installation receives a permit under section (8) of this rule and for which increments have been established in subsection (11)(A) of this rule. Each of these areas are references to the standard United States Geological Survey (USGS) County-Township-Range-Section system. The smallest unit of area for which a baseline date will be set is one (1) section (one (1) square mile).

2. Major operation—Any installation which has the potential to emit one hundred (100) tons per year or more of criteria pollutants, fifty (50) tons per year of volatile organic compound (VOC) or oxides of nitrogen in serious nonattainment areas; twenty-five (25) tons per year of VOC or oxides of nitrogen in severe nonattainment areas; or ten (10) tons per year of VOC or oxides of nitrogen in extreme nonattainment areas.

3. Definitions for key words or phrases used in this rule, other than those defined in this rule section, may be found in 40 CFR 52.21(b) promulgated as of July 1, 2003 and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

4. Definitions for key words or phrases used in this rule, other than those defined in this rule section or in 40 CFR 52.21(b), may be found in 10 CSR 10-6.020(2).

(8) Attainment and Unclassified Area Permits.

(A) All of the subsections of 40 CFR 52.21 other than (a) Plan disapproval, (q) Public participation, (s) Environmental impact statements and (u) Delegation of authority are incorporated by reference. 40 CFR 52.21 as used in this rule refers to 40 CFR 52.21 promulgated as of July 1, 2003 as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Administrator as it appears in 40 CFR 52.21 shall refer to the director of the Missouri Department of Natural Resources' Air Pollution Control Program except in the following, where it shall continue to refer to the administrator of the U.S. Environmental Protection Agency:

1. (b)(17) Federally enforceable;
2. (b)(37)(i) Repowering;
3. (b)(43) Prevention of Significant Deterioration (PSD) program;
4. (b)(48)(ii)(c);
5. (b)(50) Regulated NSR pollutant;
6. (b)(51) Reviewing authority;
7. (g) Redesignation;
8. (l) Air quality models;
9. (p)(2) Federal Land Manager; and
10. (t) Disputed permits or redesignations.

(C) All permit applications subject to section (8) of this rule are subject to the public participation requirements in subsection (12)(B) of this rule.

(D) Clean unit designations are subject to the public participation requirements of paragraph (12)(B)3. of this rule.

(E) The director of the Missouri Department of Natural Resources' Air Pollution Control Program shall transmit to the administrator of the U.S. Environmental Protection Agency a copy of each permit application filed under section (8) of this rule and shall notify the administrator of each significant action taken on the application.

(F) Applicants must obtain emission reductions, obtained through binding agreement prior to commencing operations and subject to 10 CSR 10-6.410, equal to and of a comparable air quality impact to the new or increased emissions in the following circumstances when the:

1. Area has no increment available; or
2. Proposal will consume more increment than is available.

(12) Appendices.

(E) Appendix E, Innovative Control Technology.

1. An owner or operator of an installation subject to section (8) of this rule may employ a system of innovative control technology if—

A. The applicant demonstrates to the satisfaction of the permitting authority that the proposed control system will not cause or contribute to an unreasonable risk to public health, welfare or safety in its operation, function or malfunction;

B. The owner or operator demonstrates the ability and agrees to achieve a level of continuous emission reduction equivalent to that which would have been required under subsection (8)(A) of this rule, by a reasonable date specified by the permitting authority, taking into consideration the technical and economic feasibility. The date shall not be later than four (4) years from the time of startup or seven (7) years from permit issuance;

C. On the date specified by the permitting authority, the proposed construction, employing the system of innovative control, will meet the requirements of 40 CFR 52.21(l) and 40 CFR 52.21(v);

D. The proposed construction would not, before the date specified by the permitting authority—

(I) Cause or contribute to a violation of an applicable national ambient air quality standard;

(II) Impact any Class I area; or

(III) Impact any area where an applicable increment is known to be violated;

E. The governor of any adjacent state that will be significantly impacted by the proposed construction gives his/her consent before the date specified by the permitting authority; and

F. All other applicable requirements, including those for public participation, have been met.

2. Any approval to employ a system of innovative control technology may be revoked by the permitting authority, if—

A. The proposed system fails or will fail by the specified date to achieve the required continuous emission reduction rate; or

B. The proposed system, before the specified date, contributes or will contribute to an unreasonable risk to public health, welfare or safety in its operation, function or malfunction; or

C. The permitting authority determines that the proposed system is unlikely to protect the public health, welfare or safety.

3. If an installation to which this subsection applies fails to meet the required level of continuous emission reduction within the specified time period, or the approval is revoked in accordance with paragraph (12)(E)2. of this rule, the owner or operator may request the permitting authority to grant an extension of time for a minimum period as may be necessary to meet the requirement for the application of BACT through use of a demonstrated system of control. The period shall not extend beyond the date three (3) years after termination of the same time period specified in paragraph (12)(E)1. of this rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 10—Air Conservation Commission

Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2004 (29 MoReg 976-984). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received comments on the proposed rule amendment from eight sources: City of St. Louis Air Pollution Control Program, Kansas City Health Department Air Quality Program, a member of the Missouri Air Conservation Commission, Missouri Forest Products Association, Regulatory Environmental Group for Missouri, Springfield-Greene County Health Department Air Quality Control Program, St. Louis County Department of Health, and U.S. Environmental Protection Agency.

COMMENT: The U.S. Environmental Protection Agency (EPA) commented that a program audit review of current staffing levels for the department's Air Pollution Control Program's (Air Program) Operations Section disclosed a net loss of six (6) positions since 2000. Many new obligations are on the near horizon for the Air Program such as developing and implementing rules that address the NO_x SIP Call, Interstate Air Transport Rule, and attainment plans for the St. Louis metropolitan area. EPA recommended that the Air Program continue to review the program's funding level to ensure it

is sufficient to cover expenses and future staffing needs to maintain an adequate level of protection for public health and the environment throughout the state of Missouri. Without an adequate fee, EPA expressed concern that the Air Program may not be able to meet its federal obligations.

RESPONSE: The Air Program review of the Projection of Revenues and Expenditures demonstrates that the proposed emission fee of thirty-three dollars (\$33) per ton of regulated air pollutant would adequately fund the program in the coming year. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

Due to the similarity of the following three (3) comments, one (1) response that addresses these comments can be found at the end of these three (3) comments.

COMMENT: The Kansas City Health Department Air Quality Program urges the commission to retain the current emission fee of thirty-four dollars (\$34) per ton of regulated pollutant. The emission fees provide a substantial portion of the funding for Kansas City Air Program activities. Without keeping the emission fee at thirty-four dollars (\$34) per ton of regulated air pollutant, the Kansas City Health Department Air Quality Program may be forced to reduce their staff from ten (10) positions to nine (9) positions. This staff reduction would result in delays in issuing of permits, carrying out inspections, and responding to complaints. Emission fees are also important because federal funds have been essentially flat for the past few years with the federal government expecting funding to be acquired through regulated industry.

COMMENT: The Springfield-Greene County Health Department Air Quality Control Program requested the commission to retain the current emission fee of thirty-four dollars (\$34) per ton of regulated pollutant.

COMMENT: The City of St. Louis Air Pollution Control Program supports retaining the current emission fee of thirty-four dollars (\$34) per ton of regulated pollutant to maintain current levels of protection and service.

RESPONSE: The Air Program appreciates the local air agencies' position for retaining the current emission fee of thirty-four dollars (\$34) per ton of regulated pollutant to assist in maintaining a viable air pollution control program for the citizens of Missouri and their children. However, the proposed thirty-three dollars (\$33) per ton of regulated air pollutant was demonstrated through analysis of the Projection of Revenues and Expenditures to be adequate to fund the Air Program over the upcoming year. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT: The St. Louis County Department of Health supports the Air Program emission fee proposal to maintain the service and delivery of air related activities expected by the community.

RESPONSE: The Air Program appreciates the support of St. Louis County to maintain a viable air program for the citizens of Missouri. The proposed emission fee of thirty-three dollars (\$33) per ton of regulated air pollutant will support a quality air pollution control program and assure federal obligations can be met. The emission fees collected are also an important funding source to the local air agencies that provide air quality protection and service. Because the emission fee is set annually by statute, the fee being established with this rulemaking is for calendar year 2004. The emission fee level is reviewed annually in cooperation with the regulated community to establish an annual fee amount. No wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT: The Regulatory Environmental Group for Missouri (REGFORM) commented that the difference between the projected spending numbers and the actual planned spending numbers presented overestimates the fee revenue need. In addition, the program streamlining efforts and efficiencies need to be fully implemented

throughout the system. Also, REGFORM commented that it was unclear how EPA developed the Air Program staffing numbers that they presented during their testimony to the Missouri Air Conservation Commission. Therefore, REGFORM proposes that the Missouri Air Conservation Commission consider an emission fee of thirty-two dollars and fifty cents (\$32.50) per ton of regulated air pollutant.

RESPONSE: By state statute, the emission fee is set annually to fund the reasonable cost of administering the program. The revenue would have to support any cost of living increases in order for any growth to occur in the program such as competitive wages and outsourcing of permit reviews. The projected spending numbers include cost of living raises for both salaries and procurement. The actual planned spending numbers demonstrate a minimal budget remaining for operation of the program. The Air Program is continually evaluating the program's financial situation. Reducing the fee an additional fifty cents (\$.50) would result in a one hundred thirty-three thousand dollar (\$133,000) loss of revenue and inadequate funds to effectively support the Air Program. Program streamlining efforts and efficiencies are being implemented and will continue to be reflected in the spending numbers. The development of the Air Program staffing numbers referred to in EPA's testimony was a comparison between two (2) EPA program audits conducted in 2000 and 2004. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT: The Missouri Forest Products Association commented that department and state overhead and data processing equipment expenses are very high and lead to a depletion of the program fund balance. Also, the association commented that the commission made a commitment to reduce the thirty-four dollars (\$34) per ton of regulated air pollutant fee back to the previous amount of thirty-one dollars (\$31) per ton of regulated air pollutant.

RESPONSE: Regarding the department and state overhead expenses, in 2003, the total expenditures for the Permit and Emission Fee Fund, decreased from 2002 by approximately seventy-nine thousand dollars (\$79,000). The decrease was due to a reduction in the Air Program's administrative expenses. The department and state overhead expenses increased significantly from 2003 to 2004 due to the budget action transferring six hundred twenty thousand dollars (\$620,000) from the Permit and Emission Fee Fund into the General Revenue Fund. The expenditures decrease in 2005 from 2004 due to no further legislative budget actions, but are higher in 2005 than 2003 due to a cost of living increase.

Regarding the data processing equipment expenses being high, the increase in 2003 data processing expenditures is partially due to the equipment replacement schedule that the Air Program has followed over the past several years as recommended by the Missouri Department of Natural Resources Management Information Systems Program. This provides a twenty percent (20%) replacement of the program's computer workstations annually allowing computer systems used by staff a life cycle of five (5) years to keep pace with technological advances in computer hardware and staff computing needs.

In FY2003, in order to meet federal State Implementation Plan modeling requirements, more computing resources were needed. As a result, two (2) additional high-end customized computer systems were purchased along with the required software for the project. These systems are used for various modeling efforts such as photochemical (ozone/PM_{2.5}, SIP development), emissions, and meteorological. These systems and additional software increased the 2003 data processing budget but have made a considerable difference in the program's productivity. Without the data processing purchases, specific time lines to achieve the needed modeling requirements could not have been met. This process is continuing to improve with the Missouri Department of Natural Resources participating in statewide data processing purchase initiatives to consolidate purchases across the state for vendors to bid on. This has resulted in competitive

equipment pricing along with more productivity through the use of updated systems.

Regarding the commission making a commitment to reduce the thirty-four dollars (\$34) per ton of regulated air pollutant fee back to the previous amount of thirty-one dollars (\$31) per ton of regulated air pollutant, in reviewing the July 24, 2003 Missouri Air Conservation Commission Public Hearing Transcript, the commission indicated a desire to work with industry to streamline and to make more efficient the operation of the Air Program which could result in an emission fee adjustment downward. However, the transcript does not document a commission commitment to lower the emission fee to thirty-one dollars (\$31). The proposed reduction from thirty-four dollars (\$34) to thirty-three dollars (\$33) per ton of regulated pollutant demonstrates, through analysis of the Projection of Revenues and Expenditures, the Air Program ambition to lower fees and yet provides adequate program funding over the upcoming year. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

The remainder of this response addresses reviewing and reducing program expenses.

The Air Program has implemented many improvements and streamlining efficiencies over the last two (2) years, suggested internally and externally, into the program's operation. For example, working with the Missouri Results Initiative group and the Air Program Advisory Forum, the program has implemented the following improvements.

- Permit-by-rule process—successfully introduced for small surface coating operations, small printing operations, and crematoriums and animal incinerators thus speeding up the issue of permits.
- Revision to the Basic Operating Permit program—the Air Program has proposed a rule change to drastically reduce the paperwork and delete the requirement to submit an annual compliance certification for basic operating permit sources. While the rulemaking process is pending, sources are allowed to take advantage of the new requirements under a variance granted by the Missouri Air Conservation Commission.
- Revision to Insignificance emission exemption level—the Air Program has proposed a rule change to increase the emission levels that require a construction permit, thus reducing paperwork for insignificant sources. While the rulemaking process is pending, sources are allowed to take advantage of the new requirements under a variance granted by the Missouri Air Conservation Commission.
- Construction Industry—the program has implemented a new permit review policy for asphalt, concrete and quarry installations. This new policy allows these industry groups more flexibility in operations and reduced paperwork.
- Payment by major credit card—the program now accepts major credit cards for payment of permit review fees thus speeding up the permit issuance process.

In addition, the program is working on the following actions: 1) expand and market the exemption list for routine permits, 2) develop a form to determine if a permit is required, and 3) create a document to certify that no permit is needed. The Air Program is always ready to consider new ideas and actions to streamline program processes, implement program efficiencies, and enhance program responsiveness. The Air Program has and will continue to recommend ways to use funding in the most efficient and productive way possible.

COMMENT: A member of the Missouri Air Conservation Commission asked for the annual budget and clarification on the amount of budget provided by the state for each local air agency.

RESPONSE: The Fiscal Year 2003 annual budget for each local air agency was:

City of Kansas City nine hundred seventy-seven thousand, five hundred twenty-nine dollars (\$977,529) of which the state provided five hundred thousand three hundred two dollars (\$500,302) from fees and, in addition, two hundred seventy-two thousand three hundred thirty-three dollars (\$272,333) from federal funds;

City of Springfield three hundred eighty-nine thousand seven hundred and thirty-six dollars (\$389,736) of which the state provided two hundred ten thousand eight hundred thirty-eight dollars (\$210,838) from fees and, in addition, eighty-nine thousand five hundred nine dollars (\$89,509) from federal funds;

City of St. Louis \$1,328,929 of which the state provided six hundred twenty-seven thousand six hundred sixty-one dollars (\$627,661) from fees and, in addition, four hundred one thousand, two hundred thirty-five dollars (\$401,235) from federal funds; and

St. Louis County \$1,030,417 of which the state provided five hundred two thousand four hundred fifty-one dollars (\$502,451) from fees and, in addition, two hundred thirty-four thousand five hundred twenty dollars (\$234,520) from federal funds.

The balance of the annual allocation is local funding which contributes to the required state match used to secure federal funds. No wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT: The Missouri Air Conservation Commission asked the additional following questions relative to the local air agencies: 1) When the local air agency raise their fees, what grant adjustment is made by the state? 2) What functions do the local air agencies carry out for the Air Program? 3) Are the local air agency staff levels determined by the department's Air Pollution Control Program? and 4) How are the local air agency tasks determined and how is performance monitored?

RESPONSE: 1) In the past, this situation has not arisen. The Air Program is considering policy options for grant adjustments when a local air agency raises its fees. 2) The local air agencies provide assistance in the areas of emission inventories, air quality monitoring, hazardous air pollutants, ordinance/code/rule/plan development, enforcement/compliance, permits, asbestos, and administration. Increased staff and travel expenses would occur in order for the Air Program to perform these additional duties. 3) The Air Program does not determine the local air agency staff levels because decisions are based on the local circumstances. 4) The Air Program annually negotiates with the local air agencies to determine the tasks to be performed. The Air Program performs on-site audits of the local air agencies on a rotating cycle to ensure that the negotiated tasks are being performed in a satisfactory manner. No wording changes have been made to the proposed rulemaking as a result of these comments.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.410 Emissions Banking and Trading is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2004 (29 MoReg 985-986). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed amendment during the public comment period.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 701.355, RSMo 2000, the department amends a rule as follows:

11 CSR 40-5.065 Missouri Minimum Safety Codes for Existing Elevator Equipment is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2004 (29 MoReg 1100-1103). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 701.355, RSMo 2000, the department amends a rule as follows:

11 CSR 40-5.090 Inspection and Testing is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2004 (29 MoReg 1104). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805, 313.807 and 313.817, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-5.150 Inventory of Chips and Tokens is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2004 (29 MoReg 891). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 6—Operation of the Riverboat**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004 and 313.805, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-6.030 Firearms on the Riverboat is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2004 (29 MoReg 891-893). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 10—Licensee's Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.800, 313.805 and 313.807, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-10.020 Applicant's Duty to Disclose Changes in Information is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2004 (29 MoReg 894). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 24—Drivers License Bureau Rules

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 115.160, RSMo Supp. 2003, the director amends a rule as follows:

12 CSR 10-24.440 Motor Voter Registration Application Form is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2004 (29 MoReg 1104). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 15—Hospital Program

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.201, 208.453 and 208.455, RSMo 2000, the director amends a rule as follows:

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2004 (29 MoReg 1106-1107). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 30—Division of Health Standards and Licensure Chapter 20—Hospitals

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 192.006, 197.080 and 197.293, RSMo 2000, the department amends a rule as follows:

19 CSR 30-20.015 Administration of the Hospital Licensing Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2004 (29 MoReg 896-900). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 30—Division of Health Standards and Licensure Chapter 20—Hospitals

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 192.006 and 197.080, RSMo 2000, the department amends a rule as follows:

19 CSR 30-20.021 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2004 (29 MoReg 900-905). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Health and Senior Services received four (4) comments on the proposed amendment.

COMMENT: Two (2) health care providers and one (1) health care credentialing service sent letters supporting the language included in the amendment.

RESPONSE: None required.

COMMENT: One hospital industry association expressed a concern regarding a patient's right to file a verbal or written grievance. The association feels that unless the word "grievance" is defined, it will be unclear as to when the section applies. The association recommended that the definition for "grievance" used by the Centers for Medicare & Medicaid Services (CMS) in the Conditions of Participation for hospitals Interpretive Guidelines be referenced in the rule. They also suggested adding additional language regarding complaints that are complicated or require extensive investigation.

RESPONSE AND EXPLANATION OF CHANGE: The CMS Interpretive Guidelines are not included in statute or regulations and are not widely publicized. Consumers would not have easy access to the Interpretive Guidelines. Therefore, rather than refer to the Interpretive Guidelines in the rule, the department has changed the proposed amendment to include language from the Interpretive Guidelines that defines the term "grievance." Language was also added to address complicated complaints and complaints that require extensive investigation. As a result, subparagraph (2)(B)17.L. was revised. A final sentence was also added to the same subparagraph.

19 CSR 30-20.021 Organization and Management for Hospitals

(2) Governing Body, Administration and Medical Staff.

(B) Administration, Chief Executive Officer.

1. The chief executive officer shall be the direct representative of the governing body and shall be responsible for management of the hospital commensurate with the authority delegated by the governing body in its bylaws.

2. The chief executive officer shall be responsible for maintaining liaison among the governing body, medical staff and all departments of the hospital.

3. The chief executive officer shall organize the administrative functions of the hospital through appropriate departmentalization and delegation of duties and shall establish a system of authorization, record procedures and internal controls.

4. The chief executive officer shall be responsible for the recruitment and employment of qualified personnel to staff the various departments of the hospital and shall insure that written personnel policies and job descriptions are available to all employees.

5. The chief executive officer shall be responsible for the development and enforcement of written policies and procedures governing visitors to all areas of the hospital.

6. The chief executive officer shall be responsible for establishing effective security measures to protect patients, employees and visitors.

7. The chief executive officer shall maintain policies protecting children admitted to or discharged from the hospital. Policies shall provide for at least the following:

A. A child shall not be released to anyone other than the child's parent(s), legal guardian or custodian;

B. The social work service personnel shall have knowledge of available social services for unmarried mothers and for the placement of children;

C. Adoption placements shall comply with section 453.010, RSMo; and

D. The reporting of suspected incidences of child abuse shall be made to the Division of Family Services as established under section 210.120, RSMo.

8. The chief executive officer shall be responsible for developing a written emergency preparedness plan. The plan shall include procedures which provide for safe and orderly evacuation of patients, visitors and personnel in the event of fire, explosion or other internal disaster. The plan shall also include procedures for caring for mass casualties resulting from any external disaster in the region.

9. The emergency plan in paragraph (2)(B)8. of this rule shall be readily available to all personnel. The chief executive officer is

responsible for ensuring all employees shall be instructed regarding their responsibilities during an emergency. Drills for internal disasters, such as fires, shall be held at least quarterly for each shift and shall include the simulated use of fire alarm signals and simulation of emergency fire conditions. Annual drills for external disasters shall be held in coordination with representatives of local emergency preparedness offices. The movement of hospital patients is not required as a part of the drills.

10. The chief executive officer shall be responsible for carrying out policies of the governing body to ensure that patients are admitted to the hospital only by members of the medical staff and that each patient's general medical condition shall be the primary responsibility of a physician member of the medical staff.

11. The chief executive officer shall bring to the attention of the chief of the medical staff and governing body failure by members of that staff to conform with established hospital policies regarding administrative matters, professional standards or the timely preparation and completion of each patient's clinical record.

12. The chief executive officer shall be responsible for developing and maintaining a hospital environment which provides for efficient care and safety of patients, employees and visitors.

13. The chief executive officer shall be responsible for the development and enforcement of written policies which prohibit smoking throughout the hospital except specific designated areas where smoking may be permitted. Lobbies and dining rooms having an area of at least one thousand (1,000) square feet which are enclosed and separated from the access to exit corridor systems may have a designated smoking area. This designated smoking area may not exceed twenty percent (20%) of the total area of the room and shall be located to minimize the spread of smoke into the nonsmoking areas. Lobbies, dining rooms and other rooms of less than one thousand (1,000) square feet which are enclosed and separated from the access to exit corridor systems may be designated smoking areas provided one hundred percent (100%) of the air supplied to the room is exhausted. Individual patients may be permitted to smoke in their rooms with the consent of any other patients occupying the room and with the permission of his/her attending physician. If a patient is confined to bed or classified as not being responsible, smoking is permitted only under the direct supervision of an authorized individual. Modification of the patient room ventilation system is not required to permit occasional authorized smoking by a patient.

14. An annual licensing survey for each fiscal year shall be filed with the department on the survey document provided by the Department of Health and Senior Services. The survey shall be due within two (2) months after the hospital's receipt of the survey.

15. The chief executive officer shall be responsible for establishing and implementing a mechanism which will assure that patient services provide care or an appropriate referral that is commensurate with the patient's needs. If services are provided by contract, the contractor shall furnish services that permit the hospital to comply with all applicable hospital licensing requirements.

16. The chief executive officer shall be responsible for establishing and implementing a mechanism to assure that all equipment and physical facilities used by the hospital to provide patient services, including those services provided by a contractor, comply with applicable hospital licensing requirements.

17. The chief executive officer shall be responsible for establishing and implementing a mechanism to assure that patients' rights are protected. At a minimum, the mechanism shall include the following:

A. The patient has the right to be free from abuse, neglect or harassment;

B. The patient has the right to be treated with consideration and respect;

C. The patient has the right to protective oversight while a patient in the hospital;

D. The patient or his/her designated representative has the right to be informed regarding the hospital's plan of care for the patient;

E. The patient or his/her designated representative has the right to be informed, upon request, regarding general information pertaining to services received by the patient;

F. The patient or his/her designated representative has the right to review the patient's medical record and to receive copies of the record at a reasonable photocopy fee;

G. The patient or his/her designated representative has the right to participate in the patient's discharge planning, including being informed of service options that are available to the patient and a choice of agencies which provide the service;

H. When a patient has brought personal possessions to the hospital, s/he has the right to have these possessions reasonably protected;

I. The patient has the right to accept medical care or to refuse it to the extent permitted by law and to be informed of the medical consequences of refusal. The patient has the right to appoint a surrogate to make health care decisions on his/her behalf to the extent permitted by law;

J. The patient, responsible party or designee has the right to participate in treatment decisions and the care planning process;

K. The patient has the right to be informed of the hospital's patient grievance policies and procedures, including who to contact and how; and

L. The patient has the right to file a formal or informal verbal or written grievance and to expect a prompt resolution of the grievance, including a timely written notice of the resolution. The grievance may be made by a patient or the patient's representative. Any patient service or care issue that cannot be resolved promptly by staff present will be considered a grievance for purposes of this requirement. The written notice of the resolution should include information on the steps taken on behalf of the patient to investigate the grievance, the results of the investigation, and the date the investigation was completed. If the corrective action is still being evaluated, the hospital's response should state that the hospital is still working to resolve the grievance and the hospital will follow-up with another written response when the investigation is complete or within a specified time frame.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 100—Division of Credit Unions**

**APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
Edison Credit Union 4200 E. Front Kansas City, MO 64120	Active or retired employees of Lippert Mechanical, Lucky International Trading, Holiday Inn-North Kansas City, Southwest Technologies, Inc., and Hantover

*NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, PO Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten (10) business days after publication of this notice in the **Missouri Register**.*

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST **CBJ Development LLC**, a Missouri Limited Liability Company.

On September 21, 2004, CBJ Development LLC, a Missouri Limited Liability Company, filed its notice of winding up with the Missouri Secretary of State.

Dissolution was effective on September 21, 2004.

Said limited liability company requests that all persons and organizations with claims against it present them immediately by letter to the limited liability company at:

CBJ Development LLC
Mr. James D. Minton
9811 South Forty Drive
St. Louis, Missouri, 63124

All claims must include: the name and address of the claimant; the amount claimed; the basis for the claim; and the dates(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of CBJ Development LLC, any claims against it will be barred unless proceeding to enforce the claim is commenced within three years after the publication date of the notice authorized by statute.

Authorized Representative: James D. Minton, Member

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST DJC Development LLC, a Missouri Limited Liability Company.

On September 20, 2004, DJC Development LLC, a Missouri Limited Liability Company, filed its notice of winding up with the Missouri Secretary of State.

Dissolution was effective on September 20, 2004.

Said limited liability company requests that all persons and organizations with claims against it present them immediately by letter to the limited liability company at:

DJC Development LLC
Mr. Dennis Norman
7925 Forsyth Blvd.
Clayton, Missouri, 63105

All claims must include: the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of DJC Development LLC, any claims against it will be barred unless proceeding to enforce the claim is commenced within three years after the publication date of the notice authorized by statute.

Authorized Representative: Dennis Norman, President of D & J Real Estate Developers, Inc., Member

NOTICE OF DISSOLUTION OF CORPORATION

This notice is to inform whom it may concern that MVE Company, Inc., f/k/a Missouri Valley Electric Company, has on the 13th day of August, 2004, filed with, and received approval by the Missouri Secretary of State the corporation's Articles of Dissolution. Dissolution was effective on August 13, 2004.

Any claims against the corporation should be forwarded to the corporation's attorney at the following address:

MVE Company, Inc., f/k/a Missouri Valley Electric Company
c/o: Seigfreid, Bingham, Levy, Selzer & Gee, P.C.
Attention: Gary V. Fulghum
911 Main Street, Suite 2800
Kansas City, Missouri 64105

The claim must include the following information: (1) the name, address and telephone number of the claimant; (2) the amount of the claim; (3) the date the claim accrued or will accrue; (4) a brief description of the nature of the debt or the basis for the claim; (5) whether the claim is secured, and if so, the collateral used as security.

You are further notified that all claims against the corporation shall be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—27 (2002), 28 (2003) and 29 (2004). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724 28 MoReg 1861
1 CSR 10-4.010	Commissioner of Administration		28 MoReg 1557		
1 CSR 15-3.350	Administrative Hearing Commission		29 MoReg 1048	29 MoReg 1600	
1 CSR 15-3.380	Administrative Hearing Commission		29 MoReg 1049	29 MoReg 1600	
1 CSR 15-3.420	Administrative Hearing Commission		29 MoReg 1049	29 MoReg 1600	
1 CSR 15-3.440	Administrative Hearing Commission		29 MoReg 1049	29 MoReg 1600	
1 CSR 15-3.480	Administrative Hearing Commission		29 MoReg 1050	29 MoReg 1601	
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel		29 MoReg 1513		
1 CSR 20-5.025	Personnel Advisory Board and Division of Personnel		29 MoReg 1513		
	DEPARTMENT OF AGRICULTURE				
2 CSR 30-1.010	Animal Health		29 MoReg 584	29 MoReg 1316	
2 CSR 30-1.020	Animal Health		29 MoReg 584	29 MoReg 1316	
2 CSR 30-2.010	Animal Health	29 MoReg 1417	29 MoReg 1437		
2 CSR 30-2.020	Animal Health	29 MoReg 571	29 MoReg 584	29 MoReg 1369	
2 CSR 30-2.040	Animal Health	29 MoReg 572	29 MoReg 585	29 MoReg 1369	
2 CSR 30-2.060	Animal Health				29 MoReg 1480
2 CSR 30-3.020	Animal Health	29 MoReg 573	29 MoReg 586	29 MoReg 1369	
2 CSR 30-6.020	Animal Health	29 MoReg 573 29 MoReg 1418	29 MoReg 586 29 MoReg 1438	29 MoReg 1370	
2 CSR 70-40.015	Plant Industries		29 MoReg 1439		
2 CSR 70-40.025	Plant Industries		29 MoReg 1439		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-3.010	Conservation Commission		This Issue		
3 CSR 10-4.110	Conservation Commission		This Issue		
3 CSR 10-4.111	Conservation Commission		This Issue		
3 CSR 10-4.113	Conservation Commission		This Issue		
3 CSR 10-5.205	Conservation Commission		This Issue		
3 CSR 10-5.215	Conservation Commission		This Issue		
3 CSR 10-5.225	Conservation Commission		This Issue		
3 CSR 10-5.430	Conservation Commission		This Issue		
3 CSR 10-5.565	Conservation Commission		This Issue		
3 CSR 10-5.579	Conservation Commission		This Issue		
3 CSR 10-6.410	Conservation Commission		This Issue		
3 CSR 10-6.415	Conservation Commission		This Issue		
3 CSR 10-6.510	Conservation Commission		This Issue		
3 CSR 10-6.525	Conservation Commission		This Issue		
3 CSR 10-6.533	Conservation Commission		This Issue		
3 CSR 10-6.535	Conservation Commission		This Issue		
3 CSR 10-6.605	Conservation Commission		This Issue		
3 CSR 10-6.610	Conservation Commission		This Issue		
3 CSR 10-6.615	Conservation Commission		This Issue		
3 CSR 10-7.410	Conservation Commission		29 MoReg 1291 This Issue		
3 CSR 10-7.427	Conservation Commission		This Issue		
3 CSR 10-7.431	Conservation Commission		This Issue		
3 CSR 10-7.440	Conservation Commission		N.A.	29 MoReg 1471	
3 CSR 10-7.450	Conservation Commission		29 MoReg 1091	29 MoReg 1472	
3 CSR 10-7.455	Conservation Commission		29 MoReg 890 This Issue	29 MoReg 1316	
3 CSR 10-8.510	Conservation Commission		This Issue		
3 CSR 10-8.515	Conservation Commission		This Issue		
3 CSR 10-9.105	Conservation Commission		This Issue		
3 CSR 10-9.220	Conservation Commission		This Issue		
3 CSR 10-9.240	Conservation Commission		This Issue		
3 CSR 10-9.353	Conservation Commission		29 MoReg 1440		
3 CSR 10-9.425	Conservation Commission		This Issue		
3 CSR 10-9.440	Conservation Commission		This Issue		
3 CSR 10-9.442	Conservation Commission		N.A.	29 MoReg 1472	
3 CSR 10-9.565	Conservation Commission		29 MoReg 1440		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-9.566	Conservation Commission		This Issue		
3 CSR 10-9.570	Conservation Commission		This Issue		
3 CSR 10-9.575	Conservation Commission		This Issue		
3 CSR 10-9.625	Conservation Commission		This Issue		
3 CSR 10-10.705	Conservation Commission		This Issue		
3 CSR 10-10.725	Conservation Commission		This Issue		
3 CSR 10-10.732	Conservation Commission		This Issue		
3 CSR 10-11.120	Conservation Commission		This Issue		
3 CSR 10-11.125	Conservation Commission		This Issue		
3 CSR 10-11.145	Conservation Commission		This Issue		
3 CSR 10-11.150	Conservation Commission		This Issue		
3 CSR 10-11.155	Conservation Commission		This Issue		
3 CSR 10-11.186	Conservation Commission		29 MoReg 1091	29 MoReg 1473	
			This Issue		
3 CSR 10-11.187	Conservation Commission		This Issue		
3 CSR 10-11.205	Conservation Commission		This Issue		
3 CSR 10-11.210	Conservation Commission		This Issue		
3 CSR 10-11.215	Conservation Commission		This Issue		
3 CSR 10-12.109	Conservation Commission		This Issue		
3 CSR 10-12.130	Conservation Commission		29 MoReg 1092	29 MoReg 1473	
3 CSR 10-12.135	Conservation Commission		This Issue		
3 CSR 10-12.140	Conservation Commission		29 MoReg 1092	29 MoReg 1473	
3 CSR 10-12.150	Conservation Commission		This Issue		
3 CSR 10-12.155	Conservation Commission		29 MoReg 1092	29 MoReg 1473	
3 CSR 10-20.805	Conservation Commission		29 MoReg 1093	29 MoReg 1473	
			29 MoReg 1291		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 40-2.021	Office of Athletics		29 MoReg 1093	29 MoReg 1370	
4 CSR 40-5.030	Office of Athletics		29 MoReg 1094	29 MoReg 1370	
4 CSR 45-1.010	Athlete Agents	29 MoReg 1420	29 MoReg 1441		
4 CSR 65-1.020	Endowed Care Cemeteries		29 MoReg 1161R		
4 CSR 65-1.030	Endowed Care Cemeteries		29 MoReg 1161		
4 CSR 65-1.050	Endowed Care Cemeteries		29 MoReg 1162		
4 CSR 65-2.010	Endowed Care Cemeteries		29 MoReg 1162		
4 CSR 90-2.010	State Board of Cosmetology		29 MoReg 1292		
4 CSR 90-2.020	State Board of Cosmetology		29 MoReg 1299		
4 CSR 90-2.030	State Board of Cosmetology		29 MoReg 1299		
4 CSR 90-4.010	State Board of Cosmetology		29 MoReg 1300		
4 CSR 90-13.010	State Board of Cosmetology		29 MoReg 1303		
4 CSR 100	Division of Credit Unions				29 MoReg 1322 29 MoReg 1480 29 MoReg 1608 This Issue
4 CSR 110-2.085	Missouri Dental Board		29 MoReg 1162		
4 CSR 110-2.111	Missouri Dental Board		29 MoReg 1163		
4 CSR 110-2.130	Missouri Dental Board		29 MoReg 890	29 MoReg 1601	
4 CSR 110-2.170	Missouri Dental Board		29 MoReg 1514		
4 CSR 110-2.180	Missouri Dental Board		29 MoReg 1514R		
4 CSR 110-2.181	Missouri Dental Board		29 MoReg 1515R		
4 CSR 110-4.010	Missouri Dental Board		29 MoReg 1515		
4 CSR 110-4.020	Missouri Dental Board		29 MoReg 1516		
4 CSR 110-4.030	Missouri Dental Board		29 MoReg 1527		
4 CSR 110-4.040	Missouri Dental Board		29 MoReg 1531		
4 CSR 120-2.060	Missouri Dental Board		29 MoReg 1542		
4 CSR 150-2.125	State Board of Registration for the Healing Arts		29 MoReg 781	29 MoReg 1317	
4 CSR 150-2.153	State Board of Registration for the Healing Arts		29 MoReg 781		
4 CSR 150-4.040	State Board of Registration for the Healing Arts		29 MoReg 785	29 MoReg 1317	
4 CSR 150-4.053	State Board of Registration for the Healing Arts		29 MoReg 785	29 MoReg 1317	
4 CSR 150-4.205	State Board of Registration for the Healing Arts		29 MoReg 785	29 MoReg 1317	
4 CSR 205-4.010	Missouri Board of Occupational Therapy		29 MoReg 1164		
4 CSR 220-3.040	State Board of Pharmacy		29 MoReg 970		
4 CSR 220-4.010	State Board of Pharmacy		29 MoReg 973		
4 CSR 220-4.020	State Board of Pharmacy		29 MoReg 973R		
4 CSR 230-1.010	State Board of Podiatric Medicine		29 MoReg 1444		
4 CSR 230-1.020	State Board of Podiatric Medicine		29 MoReg 1444		
4 CSR 230-1.030	State Board of Podiatric Medicine		29 MoReg 1444		
4 CSR 230-2.010	State Board of Podiatric Medicine		29 MoReg 1445		
4 CSR 230-2.020	State Board of Podiatric Medicine		29 MoReg 1446		
4 CSR 230-2.021	State Board of Podiatric Medicine		29 MoReg 1447		
4 CSR 230-2.022	State Board of Podiatric Medicine		29 MoReg 1447		
4 CSR 230-2.030	State Board of Podiatric Medicine		29 MoReg 1448		
4 CSR 230-2.041	State Board of Podiatric Medicine		29 MoReg 1450		
4 CSR 230-2.050	State Board of Podiatric Medicine		29 MoReg 1451		
4 CSR 230-2.065	State Board of Podiatric Medicine		29 MoReg 1452		
4 CSR 230-2.070	State Board of Podiatric Medicine		29 MoReg 1453		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-3.020	Public Service Commission		29 MoReg 717	29 MoReg 1474	
4 CSR 240-3.510	Public Service Commission		29 MoReg 717	29 MoReg 1474	
4 CSR 240-3.520	Public Service Commission		29 MoReg 718	29 MoReg 1474	
4 CSR 240-3.525	Public Service Commission		29 MoReg 721	29 MoReg 1474	
4 CSR 240-3.530	Public Service Commission		29 MoReg 724	29 MoReg 1475	
4 CSR 240-3.535	Public Service Commission		29 MoReg 727	29 MoReg 1475W	
4 CSR 240-3.560	Public Service Commission		29 MoReg 730	29 MoReg 1475	
4 CSR 240-3.565	Public Service Commission		29 MoReg 730	29 MoReg 1476	
4 CSR 240-13.015	Public Service Commission		29 MoReg 731	29 MoReg 1317	
4 CSR 240-13.055	Public Service Commission		29 MoReg 786	29 MoReg 1371	
4 CSR 240-32.060	Public Service Commission		28 MoReg 2147		
4 CSR 240-33.160	Public Service Commission		29 MoReg 732	29 MoReg 1601	
4 CSR 240-120.085	Public Service Commission		29 MoReg 1164		
4 CSR 240-120.135	Public Service Commission		29 MoReg 1167R		
4 CSR 240-121.185	Public Service Commission		29 MoReg 1167R		
4 CSR 240-123.075	Public Service Commission		29 MoReg 1167R		
4 CSR 240-123.095	Public Service Commission		29 MoReg 1167		
4 CSR 245-4.060	Real Estate Appraisers		29 MoReg 1170		
4 CSR 245-5.020	Real Estate Appraisers		29 MoReg 1173		
4 CSR 245-5.030	Real Estate Appraisers		29 MoReg 1175		
4 CSR 245-9.010	Real Estate Appraisers		29 MoReg 1175		
4 CSR 263-2.082	State Committee for Social Workers		29 MoReg 1175		
4 CSR 263-3.010	State Committee for Social Workers		29 MoReg 1180		
4 CSR 263-3.060	State Committee for Social Workers		29 MoReg 1180		
4 CSR 263-3.080	State Committee for Social Workers		29 MoReg 1180		
4 CSR 263-3.100	State Committee for Social Workers		29 MoReg 1181		
4 CSR 263-3.120	State Committee for Social Workers		29 MoReg 1182		
4 CSR 265-2.060	Division of Motor Carrier and Railroad Safety				29 MoReg 1323
4 CSR 267-4.020	Office of Tattooing, Body Piercing and Branding		29 MoReg 1542		
4 CSR 270-4.042	Missouri Veterinary Medical Board		29 MoReg 1182		
4 CSR 270-4.050	Missouri Veterinary Medical Board		29 MoReg 1183		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 30-4.030	Division of Administrative and Financial Services				29 MoReg 1218
5 CSR 50-345.020	Division of School Improvement				29 MoReg 859
5 CSR 50-345.100	Division of School Improvement		29 MoReg 1183		
5 CSR 50-345.200	Division of School Improvement		29 MoReg 1186		
5 CSR 60-100.050	Division of Career Education		This Issue		
5 CSR 80-800.200	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.220	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.230	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.260	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.270	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.280	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.350	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.360	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.380	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.400	Teacher Quality and Urban Education		This Issue		
5 CSR 80-805.015	Teacher Quality and Urban Education		29 MoReg 791	29 MoReg 1605	
5 CSR 80-805.016	Teacher Quality and Urban Education		29 MoReg 793R	29 MoReg 1605R	
5 CSR 90-5.400	Vocational Rehabilitation		29 MoReg 1187		
5 CSR 90-5.460	Vocational Rehabilitation		29 MoReg 1187		
5 CSR 90-5.470	Vocational Rehabilitation		29 MoReg 1188		
5 CSR 90-7.010	Vocational Rehabilitation		29 MoReg 1051		
5 CSR 90-7.100	Vocational Rehabilitation		29 MoReg 1051		
5 CSR 90-7.200	Vocational Rehabilitation		29 MoReg 1052		
5 CSR 90-7.300	Vocational Rehabilitation		29 MoReg 1052		
5 CSR 90-7.310	Vocational Rehabilitation		29 MoReg 1053		
5 CSR 90-7.320	Vocational Rehabilitation		29 MoReg 1053		
5 CSR 100-200.045	Missouri Commission for the Deaf and Hard of Hearing	29 MoReg 963			
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-17.010	Missouri Highways and Transportation Commission		28 MoReg 1563		
7 CSR 10-25.040	Missouri Highways and Transportation Commission		29 MoReg 1352		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-3.010	Division of Employment Security		29 MoReg 793	29 MoReg 1318	
8 CSR 10-3.020	Division of Employment Security		29 MoReg 794R	29 MoReg 1318R	
8 CSR 30-3.060	Division of Labor Standards		29 MoReg 1192		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.200	Director, Department of Mental Health		29 MoReg 1054		
9 CSR 10-5.210	Director, Department of Mental Health		29 MoReg 794	29 MoReg 1318	
9 CSR 10-31.014	Director, Department of Mental Health	29 MoReg 1507	29 MoReg 1544		
9 CSR 30-3.201	Certification Standards		29 MoReg 1096		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
9 CSR 30-3.202	Certification Standards		29 MoReg 1096		
9 CSR 30-3.204	Certification Standards		29 MoReg 1097		
9 CSR 30-3.206	Certification Standards		29 MoReg 1097		
9 CSR 30-3.208	Certification Standards		29 MoReg 1099		
9 CSR 30-4.195	Certification Standards				29 MoReg 1323
9 CSR 45-2.015	Division of Mental Retardation and Developmental Disabilities	This Issue	This Issue		
9 CSR 45-5.020	Division of Mental Retardation and Developmental Disabilities		29 MoReg 1455R		
9 CSR 45-5.030	Division of Mental Retardation and Developmental Disabilities		29 MoReg 1455R		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-6.060	Air Conservation Commission		29 MoReg 974	This Issue	
10 CSR 10-6.061	Air Conservation Commission		29 MoReg 1193		
10 CSR 10-6.110	Air Conservation Commission		29 MoReg 976	This Issue	
10 CSR 10-6.120	Air Conservation Commission		29 MoReg 1196		
10 CSR 10-6.410	Air Conservation Commission		29 MoReg 985	This Issue	
10 CSR 25-17.010	Hazardous Waste Management Commission		29 MoReg 794		
10 CSR 25-17.020	Hazardous Waste Management Commission		29 MoReg 795		
10 CSR 25-17.030	Hazardous Waste Management Commission		29 MoReg 796		
10 CSR 25-17.040	Hazardous Waste Management Commission		29 MoReg 797		
10 CSR 25-17.050	Hazardous Waste Management Commission		29 MoReg 803		
10 CSR 25-17.060	Hazardous Waste Management Commission		29 MoReg 810		
10 CSR 25-17.070	Hazardous Waste Management Commission		29 MoReg 810		
10 CSR 25-17.080	Hazardous Waste Management Commission		29 MoReg 817		
10 CSR 25-17.090	Hazardous Waste Management Commission		29 MoReg 824		
10 CSR 25-17.100	Hazardous Waste Management Commission		29 MoReg 830		
10 CSR 25-17.110	Hazardous Waste Management Commission		29 MoReg 830		
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- 2 CSR 30-2.010 Health Requirements Governing the Admission of Livestock, Poultry
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- 2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian 29 MoReg 1418 March 1, 2005

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- 4 CSR 45-1.010 Fees 29 MoReg 1420 March 7, 2005

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- 5 CSR 100-200.045 Temporary Restricted Certification in Education 29 MoReg 963 November 27, 2004

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- 9 CSR 10-31.014 Waiver of Standard Means Test for Children in Need of
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- 9 CSR 45-2.015 Criteria for MRDD Comprehensive Waiver Slot Assignment This Issue April 15, 2005

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- 11 CSR 40-3.010 Fireworks—Licenses, Sales and Penalties 29 MoReg 1420 March 7, 2005
- 11 CSR 40-3.010 Fireworks—Licensing, Permits, Sales, Inspection, and Penalties 29 MoReg 1420 March 7, 2005

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- 11 CSR 50-2.311 Bumpers. 29 MoReg 1426 March 9, 2005
- 11 CSR 50-2.320 School Bus Inspection 29 MoReg 1428 March 9, 2005

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- 13 CSR 35-80.010 Residential Foster Care Maintenance Methodology This Issue March 30, 2005
- 13 CSR 35-80.020 Residential Care Agency Cost Reporting System This Issue March 30, 2005

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- 13 CSR 40-2.375 Medical Assistance for Families 29 MoReg 1089 December 27, 2004
- 13 CSR 40-19.020 Low Income Home Energy Assistance Program This Issue April 1, 2005

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- 13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services. 29 MoReg 1155 December 15, 2004
- 13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services . . . 29 MoReg 1156 December 15, 2004
- 13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) 29 MoReg 1089 December 13, 2004
- 13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) 29 MoReg 1508 March 18, 2005

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- 15 CSR 30-54.215 Accredited Investor Exemption 29 MoReg 1428 March 9, 2005
- 15 CSR 30-54.215 Accredited Investor Exemption 29 MoReg 1428 March 9, 2005

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- 15 CSR 40-3.120 Calculation and Revision of Property Tax Rates This Issue April 1, 2005
- 15 CSR 40-3.130 Calculation and Revision of Property Tax Rates by School Districts
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- 15 CSR 40-3.140 Calculation and Revision of Property Tax Rates by School Districts
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- 15 CSR 40-3.150 Calculation and Revision of Property Tax Rates by Political Subdivisions
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- 15 CSR 40-3.160 Calculation and Revision of Property Tax Rates by Political Subdivision
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15 CSR 60-14.010	Definitions	29 MoReg 1508	March 10, 2005
15 CSR 60-14.020	Contract Procedures	29 MoReg 1509	March 10, 2005
15 CSR 60-14.030	Documentation of Legal Practice	29 MoReg 1509	March 10, 2005

Department of Health and Senior Services

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19 CSR 20-3.080	Description of Persons Qualified to Perform Percolation Tests, Soils Morphology Examinations in Determining Soil Properties for On-Site Sewage Disposal Systems and Installation of On-Site Wastewater Treatment Systems	29 MoReg 1510.	March 10, 2005
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**Executive
Orders****Subject Matter****Filed Date****Publication****2004**

04-01	Establishes the Public Safety Officer Medal of Valor, and the Medal of Valor Review Board	February 3, 2004	29 MoReg 294
04-02	Designates staff having supervisory authority over agencies	February 3, 2004	29 MoReg 297
04-03	Creates the Missouri Automotive Partnership	January 14, 2004	29 MoReg 151
04-04	Creates the Missouri Methamphetamine Education and Prevention Task Force	January 27, 2004	29 MoReg 154
04-05	Establishes a Missouri Methamphetamine Treatment Task Force	January 27, 2004	29 MoReg 156
04-06	Establishes a Missouri Methamphetamine Enforcement and Environmental Protection Task Force	January 27, 2004	29 MoReg 158
04-07	Establishes the Missouri Commission on Patient Safety and supercedes Executive Order 03-16	February 3, 2004	29 MoReg 299
04-08	Transfers the Governor's Council on Disability and the Missouri Assistive Technology Advisory Council to the Office of Administration	February 3, 2004	29 MoReg 301
04-09	Requires vendors to disclose services performed offshore. Restricts agencies in awarding contracts to vendors of offshore services	March 17, 2004	29 MoReg 533
04-10	Grants authority to Director of Department of Natural Resources to temporarily waive regulations during periods of emergency and recovery	May 28, 2004	29 MoReg 965
04-11	Declares regional state of emergency because of the need to repair electrical outages by various contractors, including a Missouri contractor. Allows temporary exemption from federal regulations	May 28, 2004	29 MoReg 967
04-12	Declares emergency conditions due to severe weather in all Northern and Central Missouri counties	June 4, 2004	29 MoReg 968
04-13	Declares June 11, 2004 to be day of mourning for President Ronald Reagan	June 7, 2004	29 MoReg 969
04-14	Establishes an Emancipation Day Commission. Requests regular observance of Emancipation Proclamation on June 19	June 17, 2004	29 MoReg 1045
04-15	Declares state of emergency due to lost electrical service in St. Louis region	July 7, 2004	29 MoReg 1159
04-16	Orders a special census be taken in the City of Licking	July 23, 2004	29 MoReg 1245
04-17	Declares that Missouri implement the Emergency Mutual Aid Compact (EMAC) agreement with the State of Florida	August 18, 2004	29 MoReg 1347
04-18	Accepts retrocession of federal jurisdiction over the St. Louis Army Ammunition Plant	August 25, 2004	29 MoReg 1349
04-19	Implements the EMAC with the State of Florida, activates the EMAC plan, and authorizes the use of the Missouri National Guard	September 10, 2004	29 MoReg 1430
04-20	Reestablishes the Poultry Industry Committee	September 14, 2004	29 MoReg 1432
04-21	Directs the creation of the Forest Utilization Committee within the Missouri Department of Conservation	September 14, 2004	29 MoReg 1434
04-22	Requests health care providers limit influenza vaccinations to high risk persons. Orders various actions by providers, Missouri Department of Health and Senior Services, and Attorney General's Office regarding influenza vaccine supply.	October 25, 2004	This Issue
04-23	Creates the Forest Utilization Committee within the Missouri Department of Conservation. Supersedes and rescinds Executive Order 04-21	October 22, 2004	This Issue
04-24	Rescinds Executive Order 03-15	October 22, 2004	This Issue
04-25	Rescinds Executive Order 03-27	October 22, 2004	This Issue

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03-01	Reestablishes the Missouri Lewis and Clark Bicentennial Commission	February 3, 2003	28 MoReg 296
03-02	Establishes the Division of Family Support in the Dept. of Social Services	February 5, 2003	28 MoReg 298
03-03	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	28 MoReg 300
03-04	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	28 MoReg 302
03-05	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	28 MoReg 304
03-06	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	28 MoReg 306
03-07	Creates the Commission on the Future of Higher Education	March 17, 2003	28 MoReg 631
03-08	Lists Governor's staff who have supervisory authority over departments	September 4, 2003	28 MoReg 1556
03-09	Lists Governor's staff who have supervisory authority over departments	March 18, 2003	28 MoReg 633
03-10	Creates the Missouri Energy Policy Council	March 13, 2003	28 MoReg 634
03-11	Creates the Citizens Advisory Committee on Corrections	April 1, 2003	28 MoReg 705

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03-12	Declares disaster areas due to May 4 tornadoes	May 5, 2003	28 MoReg 950
03-13	Calls National Guard to assist in areas harmed by the May 4 tornadoes	May 5, 2003	28 MoReg 952
03-14	Temporarily suspends enforcement of environmental rules due to the May 4th [et al.] tornadoes	May 7, 2003	28 MoReg 954
03-15	Establishes the Missouri Small Business Regulatory Fairness Board	August 25, 2003	28 MoReg 1477
03-16	Establishes the Missouri Commission on Patient Safety	October 1, 2003	28 MoReg 1760
03-17	Creates the Governor's Committee to End Chronic Homelessness	October 8, 2003	28 MoReg 1899
03-18	Designates the Missouri State Highway Patrol within the Department of Public Safety as lead agency in state communications	December 10, 2003	29 MoReg 7
03-19	Creates the Public Safety Communications Committee	December 10, 2003	29 MoReg 9
03-20	Requires configuration of two-way radios used by agencies of the state of Missouri to include established interoperability channels as specified by the State Interoperability Executive Committee	December 10, 2003	29 MoReg 12
03-21	Closes state offices Friday, November 28 and Friday, December 26, 2003	October 24, 2003	28 MoReg 1989
03-22	Establishes the Missouri Sexual Offender Registration Task Force	December 10, 2003	29 MoReg 14
03-23	Adds the functions of a State Citizen Council to the Disaster Recovery Partnership	December 10, 2003	29 MoReg 16
03-24	Establishes the Governor's Commission on Hispanic Affairs	November 8, 2003	28 MoReg 2085
03-25	Requires state agencies to adopt cyber security policies and procedures. Designates the Office of Information Technology as principal forum to improve policies and procedures	December 10, 2003	29 MoReg 18
03-26	Reestablishes the Office of Information Technology as the mechanism for coordinating information technology initiatives for the state	December 10, 2003	29 MoReg 21
03-27	Use of Missouri products and services	December 2, 2003	28 MoReg 2209

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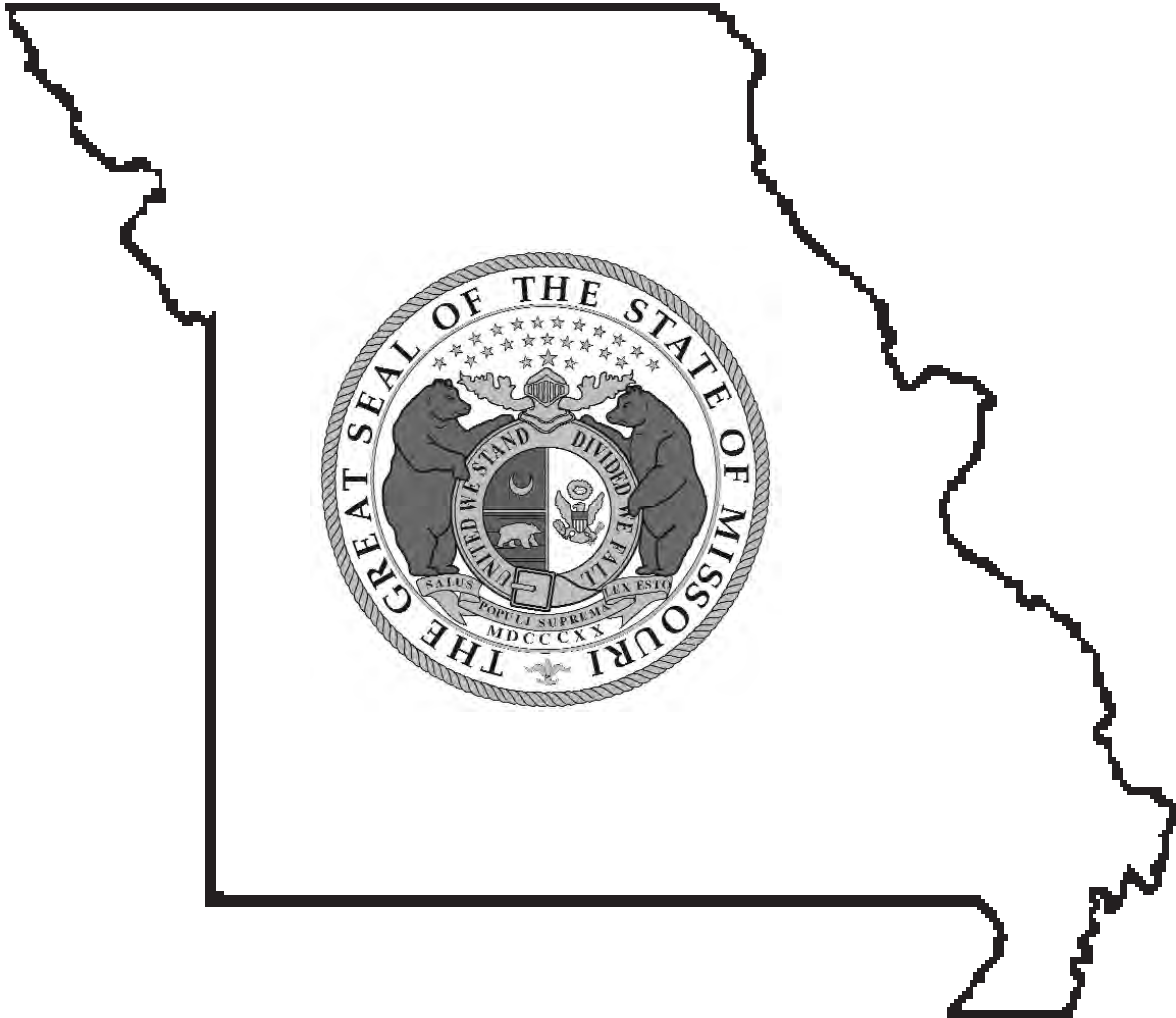
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